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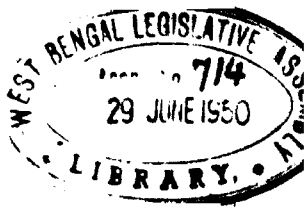

Council Proceedings

Official Report

Bengal Legislative Council

Forty-first Session, 1933

20th, 21st, 23rd and 28th February and
1st March, 1933

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

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2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

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2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
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3. Commerce and Industrial subjects.
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2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.
7. Hazaribagh Reformatory School.

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2. Public Works.

The Hon'ble Mr. KHWAJA NAZIMUDDIN, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY, in charge of the following portfolios:—

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2. Excise.

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The Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

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2. Mr. SYAMAPRASAD MOOKERJEE.
3. Khan Bahadur MUHAMMAD ABDUL MOMIN.
4. Maharaja SRIS CHANDRA NANDY, of Kasimbazar.

Secretary to the Council—J. W. McKAY, I.S.O.

Assistant Secretary to the Council—[Vacant.]

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur. [Dacca City (Muhammadan).]
Ali, Maulvi Hasan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]
Austin, Mr. J. M. (Bengal Chamber of Commerce.)

B

Baksh, Maulvi Shaik Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Rai Sahib Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Basir Uddin, Khan Sahib Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Vacant. (Bengal Chamber of Commerce.)
Blandy, Mr. E. N. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Bural, Rai Bahadur Gokul Chand. [Calcutta South Central (Non-Muhammadan).]
Burn, Mr. H. H. (Bengal Chamber of Commerce.)

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Babu Siddheswar. (Expert, Nominated.)

Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]

Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]

Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)

Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]

Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]

Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]

Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]

Cohen, Mr. D. J. (Nominated Non-official.)

Coppinger, Major-General W. V., C.I.E., D.S.O., M.D., F.R.C.S.I., I.M.S. (Nominated Official.)

Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]

Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]

Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]

Fawcus, Mr. L. R. (Nominated Official.)

Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]

Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]

Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)

Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim, KT. (Member, Executive Council.)

Gilchrist, Mr. R. N. (Nominated Official.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Henderson, Mr. A. G. R. (Nominated Official.)
Hogg, Mr. G. P., C.I.E. (Nominated Official.)
Hooper, Mr. G. G. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Bahadur Maulvi Muazzam Ali. [Patna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]
Khan, Maulvi Aminuzzaman (Nominated Official.)

L

Lal Muhammed, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Lockhart, Mr. A. R. E. [Presidency and Burdwan (European).]

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]

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* Deputy President, Bengal Legislative Council.

Mason, Mr. G. A. (Indian Jute Mills Association.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Mitter, the Hon'ble Sir Provash Chunder, KT., C.I.E. (Member, Executive Council.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mortimer, Mr. H. R. [Rajshahi (European).]
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nag, Reverend B. A. (Nominated Non-official.)
Nandy, Maharaja Sris Chandra, of Kasimbazar (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]
Norton, Mr. H. R. (Calcutta Trades Association.)

P

Petre, Mr. B. F. (Indian Mining Association.)
Philpot, Mr. H. C. V. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Prentice, the Hon'ble Mr. W. D. R., C.S.I., C.I.E. (Member, Executive Council.)

Q

Quasem, Maulvi Abul [Khulna (Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Mr. A. F. M. Abdur-. [24-Parganas Rural (Muhammadan).]

Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
*Ray Chaudhuri, the Hon'ble Raja Sir Manmatha Nath, KT., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Ray Chowdhury, Mr. K. C. (Nominated Non-official.)
Reid, Mr. R. N., C.I.E. (Nominated Official.)
Ross, Mr. J. (Indian Tea Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Babu Satyendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, the Hon'ble Mr. Bijoy Prasad Singh. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen, Mr. B. R. (Nominated Official.)
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)

* President of the Bengal Legislative Council.

Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stapleton, Mr. H. E. (Nominated Official.)
Steven, Mr. J. W. R. [Dacca and Chittagong (European).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]
Sumner, Mr. C. R. (Bengal Chamber of Commerce.)

T

Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Townend, Mr. H. P. V. (Nominated Official.)

W

Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
Woodhead, the Hon'ble Mr. J. A., C.I.E. (Member, Executive Council.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Forty-first Session.)

Volume XLI.—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 20th February, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 100 nominated and elected members.

Oath or affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

(1) Mr. A. R. E. Lockhart.
(2) Mr. J. W. R. Steven.
(3) Mr. C. R. Sumner.
(4) Maulvi Aminuzzaman Khan.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Mr. W. H. Thompson.
(2) Mr. Syamaprosad Mookerjee.
(3) Khan Bahadur Muhammad Abdul Momin.
(4) Maharaja Sris Chandra Nandy, of Kasimbazar.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Obituary Reference.

Mr. PRESIDENT: Gentlemen of the Council: It is my melancholy duty according to the practice of this House to offer the last tribute to the memory of three past members whose loss we have lately had to deplore.

(*1*) Mr. Percy Parrott, who died in London on the 20th December last, was a member of this Council from the Bengal Chamber of Commerce, from March, 1922, to January, 1923, and again from February to December, 1925. He was long connected with the India General Navigation and Railway Company, Limited, of Calcutta.

(*2*) Khan Bahadur Maulvi Yaquinnuddin Ahmed, who died at Dinajpur on the 10th January, this year, was a member of the first Council under the present reforms for its full term from 1921 to 1923. The late Khan Bahadur held at Dinajpur responsible positions as Government Pleader, vice-chairman, district board and municipality, and was connected with various public bodies of the district. The title of Khan Bahadur was conferred on him in 1926 in recognition of his public services.

(*3*) Sir Willoughby Carey, who was intimately known to me, died in Calcutta on the 30th January, this year, was a prominent member of this Council from 1920 to 1925 and a member of the Indian Legislative Assembly in 1925-26. He came to India in 1901 and had more than thirty years' business connection in Calcutta. He was for a time President respectively of the Bengal Chamber of Commerce and the Imperial Bank of India, Bengal, and also held the office of Sheriff of Calcutta. He has by his death left many friends, both Europeans and Indians, to mourn his loss. While he was a member of this Council and a Sheriff of Calcutta, the order of Knighthood was conferred on him in recognition of his public services. He was 58 years of age and died in harness—missing the peace and comfort of retirement in his English home.

It will, I am sure, be the wish of the Council that an expression of deep sympathy and of appreciation of the public work of our late colleagues should be sent to their relatives.

I will ask members to signify their assent by rising in their places.

(Pause.)

(All the members then rose in their places.)

Mr. PRESIDENT: Thank you gentlemen. The Secretary will take the usual steps.

STARRED QUESTIONS

(to which oral answers were given)

Burdwan Raj Wards Estates.

*1. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the total amount of rents to be realised from tenants as well as from tenure-holders under the Burdwan Raj Wards Estates;

(*ii*) the total amount of annual cess to be realised by the said estates from tenants as well as from tenure-holders under the said estate;

(*iii*) the total amount of annual land revenue paid to Government by the said estate; and

(*iv*) the total amount of annual cess paid to Government by the said estate?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): A statement is laid on the table.

Statement referred to in the reply to starred question No. 1, showing demands of revenue, rent and cess in the Burdwan Raj Wards Estate.

	Current annual demand.
	Rs.
(*i*) Rent due to the estate	... 47,27,814
(*ii*) Cess due to the estate	... 4,01,176
(*iii*) Land revenue due to Government	... 31,69,241
(*iv*) Cess due to Government	... 4,43,312

Rent sale notices.

*2. **Maulvi HASSAN ALI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the District Judge at Dinajpur and District Judges at some other districts of Bengal have passed standing orders recently to the effect that, according to the provisions of section 163, sub-section (*3*) of the Bengal Tenancy Act, 1885, sale proclamations need not be published in the local newspapers, and that the

practice hereto followed of publishing sale notices in the local newspapers should be discontinued, in so far as they relate to sales under the Bengal Tenancy Act?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Member aware—

(*i*) that the discontinuance of the practice hereto followed of publishing rent sale notices in the local newspapers has caused disadvantages and inconveniences to the general public, specially the tenantry; and

(*ii*) that the practice has proved to be of great benefit to decree-holders and judgment-debtors and persons holding incumbrances on properties sold?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) (*i*) and (*ii*) No.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state why the practice has been discontinued?

The Hon'ble Sir PROVASH CHUNDER MITTER: Because of the present statutory rules and the directions of the High Court.

Rai Bahadur KESHAB CHANDRA BANERJI: Is it also on grounds of economy?

The Hon'ble Sir PROVASH CHUNDER MITTER: Economy has nothing to do with it.

Shifting of the Munsif's court at Lalbagh.

*3. **Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether there is any proposal to shift the Munsif's court, Lalbagh, Murshidabad, to the Sadar station at Berhampore? If so, when is the proposal to be given effect to?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): There is no such proposal before Government.

List of "scheduled castes."

***4. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:** (*a*) With reference to the Resolution No. 122 A.R., dated the 16th January, 1933, published in the *Calcutta Gazette* on the 19th January, 1933, will the Hon'ble Member in charge of the Appointment (Reforms) Department be pleased to state—

(*i*) under what principle the said list of the "depressed class" was prepared;

(*ii*) whether this was prepared on the lines indicated by the Indian Franchise Committee or other committees, *i.e.*, on the basis of the criterion of untouchability, which had been adopted by the said Franchise Committee, as also by the Simon Commission; and

(*iii*) whether it is a fact that the Government of Bengal found difficulty, and rather did not apply the general criterion of untouchability, as set forth in the said committees above mentioned?

(*b*) Is the Hon'ble Member aware that in the said resolution it had been said that "the list has been prepared on the basis of the social and political backwardness of these castes"?

(*c*) If the answer to (*b*) is in the affirmative, on what authority did the Government rely as to the basis of their social and political backwardness?

(*d*) Were the views of the castes concerned ascertained before it was published?

(*e*) Will the Hon'ble Member be pleased to state what is the meaning of "groups of aboriginal derivation now resident in Bengal, which profess tribal or mixed religion" as set forth in the above-mentioned resolution?

(*f*) Will the Hon'ble Member be pleased to lay on the table the list of representations submitted by any public body, caste, association or individual, since the publication of the said resolution?

MEMBER in charge of APPOINTMENT (REFORMS) DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) On the basis of social and political backwardness of the castes and the necessity of securing for them special representation to protect their interests.—*Vide* paragraph 4 of the resolution.

(*ii*) No.

(*iii*) The general criteria of untouchability were not applied because classification on that basis would have been unsuitable to the special conditions of the province.

(*b*) Yes.

(*c*) Government did not rely on any particular authority but prepared the list on the basis of the information generally at their disposal.

(*d*) No: they have been called for in paragraph 6 of the resolution.

(*e*) This refers to groups consisting of members of primitive tribes, mostly immigrants, who adhere to a system of beliefs and practices considered to be characteristic of the tribes. The word "mixed" refers to cases where the system has been modified by the adoption of Hindu beliefs and practices.

(*f*) Representations were received up to the 19th instant. They are being sorted and examined, and when this is completed, a list of the public bodies, castes, associations, etc., will be placed on the library table.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state whether it was not laid down in the Prime Minister's Award that the classification of the depressed classes would proceed upon the lines laid down in the Lothian Committee's Report?

The Hon'ble Mr. W. D. R. PRENTICE: Paragraph 9 of the Communal Award is as follows:—

"The precise definition in each Province of those who (if electorally qualified) will be entitled to vote in the special depressed class constituencies has not yet been finally determined. It will be based as a rule on the general principles advocated in the Franchise Committee's Report. Modification may, however, be found necessary in some Provinces in Northern India where the application of the general criteria of untouchability might result in a definition unsuitable in some respects to the special conditions of the Province."

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member agree that there has been a departure from the criteria laid down in the Lothian Committee's Report in the classification of the depressed classes?

The Hon'ble Mr. W. D. R. PRENTICE: I would refer the Hon'ble Member to paragraph 4 of the Government resolution which states what we have done.

Babu JITENDRALAL BANNERJEE: I am asking whether he will agree that there has been a departure.

The Hon'ble Mr. W. D. R. PRENTICE: That is a matter of opinion.

Babu JITENDRALAL BANNERJEE: What is the opinion of the Hon'ble Member?

The Hon'ble Mr. W. D. R. PRENTICE: Paragraph 4 of the resolution.

Babu JITENDRALAL BANNERJEE: May I submit, Sir, that the Hon'ble Member treats the House rather airily in referring us to that particular resolution. We are familiar with the resolution but what we want to ask is whether there has been a departure? Why should he hesitate to answer?

(No reply was given.)

Mr. S. M. BOSE: With reference to answer (*a*) (*iii*) will the Hon'ble Member be pleased to state the reason as to why the general criteria of untouchability were regarded as unsuitable as a basis?

The Hon'ble Mr. W. D. R. PRENTICE: I would refer the hon'ble member to paragraph 9 of the Prime Minister's Communal award which I have just read out.

Mr. S. M. BOSE: What are the special conditions of this province which render those criteria of untouchability unsuitable to Bengal?

The Hon'ble Mr. W. D. R. PRENTICE: Government in issuing their final Award will state their reasons in due course.

Babu JITENDRALAL BANNERJEE: May I ask what does the Hon'ble Member mean by political backwardness?

The Hon'ble Mr. W. D. R. PRENTICE: I can only refer the hon'ble member to a dictionary. The words are perfectly plain.

Mr. SHANTI SHEKHARESWAR RAY: Is this classification subject to the approval of the British Parliament?

The Hon'ble Mr. W. D. R. PRENTICE: No, as far as I know. We will make our representation and what the final procedure will be, I do not know.

Babu AMULYADHAN RAY: Is the Hon'ble Member aware that the members who are putting these supplementary questions have got adverse interests to those of the depressed classes?

Mr. PRESIDENT: I do not allow that question.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to explain why the criteria about untouchability is unsuitable to the conditions of Bengal?

The Hon'ble Mr. W. D. R. PRENTICE: I have already explained it in reply to the question put by Mr. S. M. Bose that we shall issue our final statement later on after examining all the representations.

Mr. SHANTI SHEKHARESWAR RAY: Is it the policy of Government to change the classification in accordance with the improvement of the backward classes?

Mr. PRESIDENT: I do not understand your question.

Mr. SHANTI SHEKHARESWAR RAY: Is it the intention of Government to change the classification from time to time according to the change in the political condition of the backward or any particular classes?

Mr. PRESIDENT: That is hypothetical.

Mr. SHANTI SHEKHARESWAR RAY: I want to ascertain whether this classification is final or it will be changed from time to time.

The Hon'ble Mr. W. D. R. PRENTICE: That will depend entirely upon the decision as to the list of scheduled castes.

Babu JITENDRALAL BANNERJEE: Has there been a progressive increase in the strength of the depressed classes?

The Hon'ble Mr. W. D. R. PRENTICE: The term "depressed classes" has been dropped for the purpose of election. The phrase now used is the "scheduled castes".

Babu JITENDRALAL BANNERJEE: In what does the term "scheduled castes" differ from "depressed classes"?

The Hon'ble Mr. W. D. R. PRENTICE: "Depressed classes" is a term regarding the interpretation of which there has been a great dispute. We have substituted the term "scheduled castes" for the purposes of future political representation. The term "depressed classes" was used loosely in connection with recruitment rules and for general purposes. The term "scheduled castes" is a term which will include only those castes which are included in the schedule.

Babu JITENDRALAL BANNERJEE: Is there a scheduled caste anywhere in India?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know whether the term is used in any other province.

Mr. NARENDRA KUMAR BASU: With reference to answer (*b*), may I inquire whether the representations received up to the 19th of this month will receive any further consideration?

The Hon'ble Mr. W. D. R. PRENTICE: Certainly, they will require a good deal of consideration.

Mr. S. M. BOSE: With reference to answer (*c*) is the Hon'ble Member aware that Chapter 13 of the Lothian Committee's Report states that under no circumstances should the aboriginals be lumped together with the backward classes for the purpose of representation?

The Hon'ble Mr. W. D. R. PRENTICE: There is a considerable difference between the Prime Minister's Communal Award and the Lothian Committee's Report. We are acting according to the Communal Award.

Mr. NARENDRA KUMAR BASU: Is there anything in the Communal Award or in the paragraph which the Hon'ble Member has read out to indicate how a particular community should be judged as socially and politically depressed?

The Hon'ble Mr. W. D. R. PRENTICE: The Communal Award says "Modification may, however, be found necessary in some provinces in Northern India where the application of the general criteria of untouchability might result in a definition unsuitable in some respects to the special conditions of the province" and it is in respect of that paragraph that the decision of the Government of Bengal was made.

Mr. NARENDRA KUMAR BASU: Does the paragraph anywhere mention political backwardness; and if it does not, where did the Government find it from?

The Hon'ble Mr. W. D. R. PRENTICE: It says that the general criteria of untouchability may be unsuitable and it is for the Local Government to decide what they propose to substitute.

Mr. NARENDRA KUMAR BASU: By saying that the general criteria of untouchability may be unsuitable to the special conditions of a province, does the Hon'ble Member mean special political conditions of a province?

The Hon'ble Mr. W. D. R. PRENTICE: The whole object of this is political—future political representation under the new constitution.

Ministerial appointments in the civil courts of Hooghly and the 24-Parganas.

***5. Maulvi ABDUS SAMAD:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) how many Baidyas have been appointed in the ministerial grade in the civil courts in the district of Hooghly during the sheristadarship of Babu Munindra Mohan Sen;

(*ii*) what are their respective qualifications;

(*iii*) how many Brahmins have been taken in as new recruits in the ministerial grade in the civil courts in the district of the 24-Parganas during the sheristadarship of Babu Nagendra Nath Mukherjee; and

(*iv*) how many of the new recruits in the ministerial grade in the civil courts of the aforesaid two districts during the sheristadarship of the two said sheristadars, are Muhammadans, and how many of them are depressed class members?

The Hon'ble Mr. W. D. R. PRENTICE: A statement of the appointments made by the District Judges during the periods specified in the question is laid on the table.

Statement referred to in the reply to starred question No. 5, showing the number and qualifications of Baidyas and Brahmins appointed as ministerial officers in the civil courts in the districts of Hooghly and the 24-Parganas, respectively.

(*i*) 12.

(*ii*) 6 Matriculates, 2 I.A. passed, 1 I.A. failed, 2 B.A. failed and 1 non-Matriculate.

(*iii*) 30.

(*iv*)

	Muhammadans.	Depressed class
Hooghly	... 15	4
24-Parganas	... 36	1

Rent suits in Mymensingh.

*6. **Maulvi AZIZUR RAHMAN:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the calendar years 1930 and 1931 in each of the munsif's courts in the district of Mymensingh—

(*i*) the total number of suits for enhancement of rents including the number of rent suits with a prayer for enhancement instituted by landlords;

(*ii*) the total number of such suits decreed on contest;

(*iii*) the total number of such suits decreed *ex parte*;

(*iv*) the total number of such suits dismissed (if any);

(*v*) the maximum rate of enhancement per rupee demanded in each suit;

(*vi*) the maximum rate of enhancement per rupee decreed in each suit; and

(*vii*) the number of suits instituted for abatement of rents (if any)?

The Hon'ble Mr. W. D. R. PRENTICE: The information asked for is not available and could not be obtained without a laborious inquiry which the Government regret they are not prepared to undertake.

Rent suits in Mymensingh.

*7. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the calendar years 1930 and 1931 in each of the munsif's courts in the district of Mymensingh—

(*i*) the total number of suits for enhancement of rents including the number of rent suits with a prayer for enhancement instituted by landlords;

(*ii*) the total number of such suits decreed *ex parte*;

(*iii*) the total number of such suits decreed on contest;

(*iv*) the total number of such suits dismissed (if any);

(*v*) the maximum rate of enhancement per rupee demanded in each suit; and

(*vi*) the maximum rate of enhancement per rupee decreed in each suit?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) to (*vi*) The information asked for is not available and could not be obtained without a laborious inquiry which the Government regret they are not prepared to undertake.

Non-official visitors of district jails.

***8. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that non-official visitors of district jails are allowed to visit jails on certain days only as fixed by the Magistrate of the district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the instructions issued by the Government on this subject?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) No, under Jail Code rule 64 they are authorised to visit the jail at any time.

(*b*) Does not arise.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Process-servers' grievances.

1. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government have received a copy of the public views published by the Bengal Process-servers' Central Association?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the said publication contains any serious allegation against the *sheristadars* of the District Judges and any instance of inhuman treatment of the process-servers?

(*c*) Are the Government considering the desirability of instituting any inquiry into the said allegations?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) Yes.

(*c*) If any process-server has any specific complaint to make, he should make it to the District Judge, Collector or other local officer who will then dispose of it, as he thinks fit.

Economic Council for Bengal.

2. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Will the Hon'ble Member in charge of the Commerce Department kindly state—

(*i*) whether the attention of the Government have been drawn to the recent proposal of an Economic Council for Bengal, as suggested by the Bengal National Chamber of Commerce, which would investigate into the diverse economic problems, and help the Government to formulate a co-ordinated economic policy;

(*ii*) whether the Government are aware that educated public opinion in Bengal is for the formation of such a permanent institution as specially fit to offer sound suggestions as to some pressing economic problems of Bengal, *e.g.*, middle-class unemployment, jute problems, and to formulate a comprehensive economic policy for the development of the resources of the province; and

(*iii*) whether the Government is considering the desirability of setting up such an institution for the province in the near future?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*i*) Yes.

(*ii*) and (*iii*) Representations have been received from both the Bengal National Chamber of Commerce and the Bengal Chamber of Commerce on the subject, and they are at present under the consideration of Government. As the member is doubtless aware Government have recently appointed a committee to examine certain questions in regard to jute.

Process-servers.

3. Maulvi HASSAN ALI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the process-servers are entitled to the benefits of the Provident Fund like other officers of the department?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

(*c*) Are the Government considering the desirability of taking necessary steps in the matter?

(*d*) Is the Hon'ble Member aware that the process-servers get only Rs. 4 as pension?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) They are not entitled under the rules issued by the Government of India.

(*c*) No.

(*d*) Process-servers may be granted an invalid pension of Rs. 4 per month after a service of not less than 30 years.

Process-servers.

4. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the process-servers of the criminal courts have been denied the privilege of leave allowance recently sanctioned to the process-servers by the Judicial Department letter No. 3712-3732, dated the 5th May, 1932?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for such differential treatment of the employees of the same department?

(*c*) Are the Government considering the desirability of taking necessary steps to remedy this grievance of the process-servers of the criminal courts?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) The question of granting the privilege referred to to the process-servers of the criminal courts is under consideration.

(*b*) Does not arise.

(*c*) Yes.

Process-servers.

5. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the process-servers of the criminal courts have been denied the privilege of leave allowance recently sanctioned to the process-servers by the Judicial Department letter No. 3712-3732, dated the 5th May, 1932?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for such differential treatment of the employees of the same department?

(*c*) Are the Government considering the desirability of taking necessary steps to remedy this grievance of the process-servers of the criminal courts?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*), (*b*) and (*c*) The member is requested to refer to the reply given to a similar question (unstarred) by Kazi Emdadul Hoque.

Kurigram civil courts process-servers.

6. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the process-servers of the Kurigram civil courts (district Rangpur) were engaged in watching the private residences of the local judicial officers during the whole of the last *Puja* holidays?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps are proposed to be taken for the violation of the orders contained in the J/D letter No. 71-93, dated the 27th May, 1931?

(*c*) If the answer to (*a*) is in the negative, are the Government considering the desirability of inquiring into the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) Does not arise.

(*c*) The answer to (*a*) is based on an inquiry.

Kurigram civil courts process-servers.

7. Babu LALIT KUMAR BAL: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the process-servers of the Kurigram civil courts (district Rangpur) were engaged in watching the private residences of the local judicial officers during the whole of the last *Puja* holidays?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps are proposed to be taken for the violation of the orders contained in letter No. J/D 71-93, dated the 27th May, 1931?

(*c*) If the answer to (*a*) is in the negative, are the Government considering the desirability of inquiring into the matter?

The Hon'ble Mr. W. D. R. PRENTICE: The member is referred to the answer given to Babu Suk Lal Nag on a similar question.

NON-OFFICIAL BUSINESS

RESOLUTIONS

(on matters of general public interest).

Further amendment of the Bengal Tenancy Act.

Maulvi Tamizuddin Khan was asked to move his resolution.

Dr. NARESH CHANDRA SEN GUPTA: Sir, before this resolution is moved, may I mention a matter in that connection? A paper has been circulated amongst us regarding this resolution.* It does not bear anybody's signature and it does not show who is responsible for the circulation. May I inquire whether the circulation is authorised by the President?

Mr. PRESIDENT: The papers were placed on the members' seats with my permission. I may tell the members of this House that it was issued by the member-in-charge of the department concerned.

Dr. NARESH CHANDRA SEN GUPTA: May I inquire whether papers like these should or should not be signed—so that the responsibility may be fixed?

Mr. PRESIDENT: The point is that the President has got to be satisfied that a paper or document that was going to be placed on the seats of members is genuine and permissible. On my inquiry as to who was circulating the paper, I was told that it was being done at the instance of the Hon'ble Member-in-charge of the department concerned. I found in it nothing to which objection could be taken from the point of view of propriety.

The Hon'ble Sir PROVASH CHUNDER MITTER: My sole object in circulating the paper amongst the hon'ble members was that it would help in shortening my submission to the House in reply to the resolution.

Maulvi TAMIZUDDIN KHAN: I move that this Council recommends to the Government that early steps be taken to further amend the Bengal Tenancy Act—

(1) by repealing the provision regarding landlord's transfer fee;

(2) by repealing the provision regarding pre-emption;

(3) by repealing the provision regarding enhancement of rent.

Sir, this resolution was moved and partly discussed during the last session, but could not be disposed of for want of time. I hope it is not for nothing that it has been carried forward to the current session.

* *See* "Appendix."

In one sense the present time seems to be very opportune for the discussion of a resolution like this. The acute economic distress that the country is passing through has set all classes of people a-thinking to find out its causes and every one now realises that the low prices of agricultural products and the consequent deterioration of the purchasing capacity of the agriculturist is the obvious cause of the depression—so far as our country is concerned. We are so mainly dependent upon agriculture that we may take the economic condition of the agriculturists as the index of the general prosperity of our country. Every one now realizes that, while the agriculturist is prostrate the economic fabric of this country is unable to stand. So every one now seems to sympathise with the plight of the agriculturist and also seems to be anxious to help him out of his difficulties. But lip sympathy and table talk solicitude apart very few would come forward to take any active step towards the amelioration of his condition if such step calls for even the slightest sacrifice of self-interest on the part of our philanthropists. Of all the classes that flourish or fall according as the agriculturist is solvent or not the money-lender is probably the most typical. No one realizes better than his prosperity is solely dependent upon that of the cultivator, and as such the present deplorable plight of the agriculturist must be a matter of deep concern to the money-lender. But curiously enough directly a proposal is made to give agriculturists some relief by way of reducing the exorbitant rate of interest prevalent in the country up rises the redoubtable money-lender against such nonsensical talk. Another class almost equally dependent upon the tiller of the soil for his pomp and power is the *zamindar*. If he is to be taken at his lip professions his heart is full of the milk of human kindness for his poor tenant. But as soon as the poor tenant seeks any the slightest relief against the merciless operation of the harsh law that is grinding him down the benevolent countenance of the *zamindar* assumes a frown and the engine of exploitation steams on as merrily as ever. I am bringing this charge of hypocrisy advisedly. If the *zamindar* thinks I am doing him a wrong let him refute the charge by a practical demonstration of his sincerity by voting for the resolution I am moving. This is, however, a vain hope. Every one knows that my honourable *zamindar* friends far from giving their support to this resolution are prepared with all the weapons at their armoury to attack it. Let me therefore anticipate some of these attacks and try to refute them.

As regards landlord's fee it has been and will be said that it is nothing new, that the *zamindars* have long been in its enjoyment and that the amending Act of 1928 only standardised it at a uniform rate as a result of the surrender on the part of the *zamindars* of their valued right of withholding recognition to transfer of holdings. An argument like this cannot stand scrutiny. It is ridiculous to find people who

are mere creatures of statute of a comparatively recent date swearing in the name of custom. From time immemorial the tiller of the soil in this country has been its proprietor as in justice he should be. The *zamindars* were mere collectors of rent. It was with these *tahsildars* of rent that the Permanent Settlement was made in 1793. They can never go back beyond the date of their birth in quest of a custom in their favour. After the Permanent Settlement, the *zamindars* became so many powerful potentates that they gradually began to encroach upon the rights of the real proprietors of the soil. Would you call this enjoyment of a customary right? Can any right be ever based upon inequity? What then did the *zamindar* surrender in 1928 to be invested with the preposterous right of exacting *salami* in the case of every transfer of a *raiyati* holding? In justice they acquired nothing that they could surrender. Even as the result of oppressive exactions for a certain period, law only recognised a presumption in favour of non-transferability of holdings of occupancy *raiyats*. The *raiyat* could always show that his holding was transferable by custom. It was no doubt difficult for him to prove this in the teeth of the powerful opposition of his landlord, but yet the law was there. In case it could be established that in a particular locality holdings were transferable by custom the *zamindar* would be bound to recognise transfers without the receipt of a single pie as *salami*. Again, even if no such custom in favour of transferability could be established the *raiyat* could always sell his holding retaining a part of it without making the purchaser liable to eviction The so-called right of the *zamindar* to receive landlords' fee was therefore never securely established before the Amending Act of 1928 made this *abwab* legal and permanent. In fact this was a second Permanent Settlement Act for the *zamindar* and a veritable Permanent Deprivation Act for the poor *raiyat*. All talk about enjoying a customary right of receiving *salami* on transfer of holdings is nothing but insincere cant. The sooner the land is made free from such legalised robbery the better for all concerned.

"Pre-emption" is a twin brother of *salami* born of an unholy alliance in 1928 and must be strangled while yet in its cradle if the country is to be saved from ruin. My *zamindar* friends are full of praise of even this unnatural offspring. They say that this is the safety valve of the Bengal Tenancy Amendment Act of 1928 and this will prevent agricultural lands from passing into the hands of money-lenders. May I ask whether ever since the Act came into operation any *zamindar* even in one single instance has exercised this right to prevent land from passing into the hands of a non-agriculturist? Who is after all the *zamindar*? With some exceptions the money-lender of yesterday is the *zamindar* of to-day. In most cases, therefore, it ill-befits the *zamindar* to evince such unnatural solicitude about agricultural lands passing into the hands of non-agriculturists. The

zamindars will never be capable or inclined to solve this problem. On the other hand this provision as to "pre-emption" is a powerful engine of oppression in the hands of unscrupulous *zamindars* and if they like it they like it as such and not for any philanthropic motive they may profess.

I may say here in passing that the problem of saving agricultural land from passing into the hands of middlemen is a menacing one and a proper solution of this problem has to be found. Let us hope and expect that with the advent of a popular Government if such a Government is really coming this grave problem will be successfully tackled. But let us not delude ourselves with the idea that the provision as to pre-emption in the Bengal Tenancy Act will ever be used to touch even the fringe of this vast problem.

As regards the provision for perpetual enhancement of rent probably it is not strange that those who profit by it do not see any inequity in the system. An outsider is naturally surprised that while the revenue payable by the *zamindar* is fixed in perpetuity his tenant is subject to periodical enhancement of rent. The *zamindars* realise from their tenants as rent about 500 per cent. of what they have to pay to Government by way of revenue Besides rent they have several other lucrative sources of income from their estates and all told they get in a normal year about 1,000 per cent. of what they have to pay, and yet there is no contentment unless there is a provision for periodical enhancement of rent. It is said that in some provinces in which there is no permanent settlement and where the *raiyatwari* system is in vogue the incidence of rental per acre is higher than that in Bengal. I do not know how far this assertion is correct. Even if it is so it is a matter for investigation whether the incidence is low in Bengal on account of the Permanent Settlement or in spite of it. It is hazardous to arrive at a hasty conclusion in a complicated matter like this. But even if the contention is totally conceded for the sake of argument we can hardly shut our eyes to the fact that in the *raiyatwari* areas the tenants get a substantial return of what they pay by way of rent whereas in the permanently settled areas the share that goes to the state is an infinitesimally small fraction of what the tenants pay to the *zamindars*. The system in vogue in Bengal is therefore an unmitigated evil from this point of view and it is strange that my *zamindar* friends hope to strengthen their claim from a comparison with the *raiyatwari* areas.

Sir, I wish it to be clearly understood that we do not grudge the *zamindars* what should be their just and legitimate dues. We also desire perhaps more than any one else that the relations between the *zamindars* and their tenants should be cordial. But good relations cannot be expected to endure for long unless these are based upon natural justice. The days of oligarchy and feudal slavery are no more.

Even in India there is a quick march to a democratic system of Government. If a real democracy is established it will never tolerate an inequitable system of land tenure and taxation. In the name of peace and amity, in the name of justice and equity I appeal to my *zamindar* friends to agree to give up what is unjust so that they may continue to enjoy what is justly their due without any demur from any quarter. But if in consideration of the apparent security of their present position they cling fast to their privileges under the present law without any thought of equity and justice, the tenants must continue their struggle unless and until this short-sighted policy is abandoned and a Bengal Tenants Emancipation Act is not only carried in this Council but also brought into operation in this province.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I have heard eloquent speech of my colleague Mr. Tamizuddin, but I am sorry we could not be convinced of the arguments laid before us. On the other hand, I could not expect that a man of my friend's position, culture and education and one who is well-versed in the laws of land tenure and the condition of tenants could bring forward this resolution and re-open this question. As a matter of fact it is beyond my imagination that he could do so. This resolution, if I may be permitted to say so, is brought not for the benefit or advantage of the tenant, but for the advantage of *mahajans* and other middle class men. You know very well that under the old Bengal Tenancy Act a tenant could not transfer his property or alienate his right and interest in the property. If he did so, he was liable to be ejected by the *zamindar*—both he and the purchaser. Apparently that law was considered to be harassing. But if one cares to examine it more carefully, one will find that there is nothing there to harass a tenant. On the other hand, as a matter of fact, it was a common business law. There is nothing in it for which we can complain against the law.

Before I can go into details of the question, I would ask the mover of the resolution one question, *viz.*, whether he would accept any and every client. (Maulvi TAMIZUDDIN KHAN: Yes, so long as he pays.) That is the question. He will accept it conditionally, *e.g.*, so long he pays. He cannot accept a man in the street without ascertaining that he is capable of paying his fees and is not a dishonest person. Now I would ask the commercial magnets here, the European members—whether they will take into their confidence any and every customer and seller. I am sure they will certainly say that it will not be a good policy. On the other hand, the choice of customer is the prime factor for the success of business. Similarly, it is the same with the *zamindars*. The *zamindar* leases out a land to a certain

person in whom he has confidence and certainly he does allow a third person to come in without knowing him properly. For this reason the law, as it stood at the time, laid down that the tenants could not transfer the holding. As a matter of fact the *zamindar* went further and made further concession to them which other business men or professional men do not allow. The *zamindar* allowed the legal successors to step in and recognised them as his tenants without the least objection which, I think, a business man will never do. Apart from this question, there is another important factor which I wish to bring to the notice of this House. If one goes deeper into the question, he finds that there is a nobler object behind this, namely, to check an indiscriminate transfer. As I have told under the law a tenant could not transfer his right and it was found by experience that there were occasions when a tenant was forced to transfer his holding for the very existence of his life and to meet tenant's wishes, the *zamindar* allowed such a transfer, taking a reasonable *chauth*. That custom was prevailant for a long time. Then it was felt that this custom instead of leaving it to the discretion of the estate should be brought into the Statute Book and should be enacted. Accordingly, when the new amending Bill was introduced, a provision was made for giving the right of transfer to the tenants and the Select Committee also recommended the same. But when the Bill came before the House for discussion by mutual agreement of all parties there, *e.g.*, landlords, *swarajists*, tenants, Europeans, commercial men, labour, etc., it was decided to reduce it to one-fifth. Some members thought that by reducing it they have done great good to the tenants as a class, and others were satisfied that they had enabled to reduce the income of the *zamindars*, but we know that they have done a great harm to the tenants by reducing this *chauth*. They have indirectly given the tenants a free unrestricted facility to transfer a holding and thus to ruin themselves for ever. Now, Sir, if you will look into the statistics of such transfers in the course of the last few years, you will find that out of a hundred cases, 90 have been transferred from tenants to *mahajans*——

3-45 p.m.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Why did not you stop that?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Because you are there, you appear to be tenants' friends, but in reality you, indirectly, are helping them to part with their properties and to advance in the path of poverty. From reports I can show you that. Only 10 per cent. of such transfers were between tenants and tenants.

Now this fee, as a matter of fact, acts as a check against these ten per cent. transfers. If we withdraw this provision, it means that cent. per cent. of the transfers will go to the *mahajans* and will never come to the tenants. This provision is a safeguard for the very existence of the tillers of the soil, the sons of the soil who shed their life-blood for the soil. Now if this provision is repealed, it means that in no time the tillers of the soil will be extinct forever. If the intention of the mover is such, he should say so frankly instead of putting it in a round about way with the provision of doing good to the tenants. He should not mislead the House in this way, especially the non-interested persons, and I did not expect that he would do so.

With regard to the second question regarding pre-emption, I may point out from the Annual Reports that the number of notices of pre-emption to tenants in 1930-31 was 293, in 1929-30, it was 312, and in the previous year 374, as against 42,84,722 cases of transfers in 1930-31. This very fact shows that this pre-emption was introduced, not for the benefit of the landlord, but as a check against dishonest and corrupt practices and cheating. From this you can understand that out of 42 lakhs of cases of transfers only 293 cases of notices were issued, and out of these notices, most of them barring, say, 10 or 12 per cent., were settled mostly by mutual agreement. It follows, therefore, that there is nothing to show that landlords will be benefited by this clause; on the other hand, it is a check against corrupt practices. Had it been for the advantage of the landlord, there would be a large number of pre-emption cases and not ·004 per cent. What will be the effect, if this clause is repealed? The tenant, as you know, Sir, loves his land very dearly. He loves it more than he loves his children, and how much pain and suffering he undergoes to part with it. Unless they are forced by dire necessity, they would never part with their lands. Now it is a general rule that whenever a man has to sell his land out of dire necessity, he cannot get a fair or reasonable price for it. But at present by having this provision there, the buyer cannot offer a low price because if the price is low, there will then be pre-emption by the landlord and the land will be resumed by him. But if the clause is not there, the result will be that there will be no check and the buyer will offer a low price, and the tenant, because of his dire necessity has to sell, he will be deprived of a fair and reasonable price. If this provision be repealed, not only will the tenant be a loser, but Government as well. The buyer will cheat Government by putting a low price in the deed of sale, and thus deprive Government also of legitimate court fees. So if this section be repealed, it will only encourage cheating and dishonest practices and nothing more. If the mover likes to encourage cheating, he is at liberty to make the proposal and not otherwise. Moreover, there

cannot be any person who is so fool as to purchase a holding if sold at a fair price, by giving 10 per cent. additional sum.

With regard to the third question regarding the enhancement of rent, I may say that at the present moment this question does not arise. As a matter of fact, every one knows that we cannot collect the rent, even half of the rent. In some cases, we are remitting the whole of the interest and even then we cannot collect the rent. In practice, the enhancement can only be settled by mutual agreement and not otherwise. Whenever there has been enhancement, there has been a mutual agreement. If one likes to enforce the law, suits can be filed. That means that the cost of the suit will be more than what will be gained. So no one will be so foolish as to take recourse to law and spend so much money. Moreover, the reasons set forth by the mover is very untenable. Because the revenue be enhanced, the rent should not be enhanced. I am ready to accept his principle if the mover accept that all provisions that are applicable to *zamindars* should be applied to tenants, *e.g.*, that they should pay the rent on every third month and their holdings will be sold for non-payment of rent on every quarter for a year.

With these remarks, I strongly oppose the resolution.

Mr. SARAT KUMAR ROY: Sir, I think what Mr. Tamizuddin said to-day and what Khan Bahadur Muhammad Abdul Momin said in the last session on this subject regarding the relative rights of landlords and tenants of Bengal, requires a reply from the side of the landlords, and in this connection it is necessary to discuss the fundamental principles underlying the land laws of Bengal which govern such relationship. I, therefore, rise to speak further against the resolution.

Sir, I hope, I am not very far wrong to say that the origin of most of the *zamindaries* was Badshahi Grants made by the Sovereign Authority in recognition of valuable service to the State, under Moghul Rule; the situation of a *zamindar*, so commencing, did consequently combine two distinct characteristics, in the first of which originated their property in land, a portion of the rents of which they used to pay to the Sovereign Authority as their tribute and in the other, they, as officers of the Government, had to maintain peace and order in the country and to secure the subjects of the State from oppression. Distance of the Sovereign Authority from the interior parts of Bengal and other exigencies of the day necessitated such delegation of authority and rights to the *zamindars* by the Ruler of the land.

History of the early Revenue Administration of this province under the British Rule shows that within twenty-five years from the Grant of the Dewany in 1765, the authorities here as well as in England perceived the urgency of perpetuating the revenue assessment of the

province and in that connection a question arose as to which community —the *zamindars* or the *raiyats*—were proprietors of the soil and hence had the best title to such engagement. Eminent British Statesmen of a very high order, such as Lord Teignmouth and Lord Cornwallis, discussed the questions threadbare and concluded in favour of the *zamindars*. This finding of fact, Lord Cornwallis and his colleagues confirmed in the well-known Permanent Settlement Regulation of 1793. In all the regulations that followed on the subject, they recognised throughout, the proprietary right and status of the *zamindars;* there was then not a shadow of the idea that the *raiyats* possessed any interest in the soil. The relationship between the *zamindars* and the *raiyats*, as it existed up to 1827, has been well depicted by Mr. Leycester, a Judge of the Sadar Dewany Adalat, in the following words: "In many parts of the country, the resident cultivators were the actual slaves of the landholders and liable to be mortgaged, bartered or let to hire, the same as his goats and oxen, at his will and pleasure."

At any rate, it is clear that up to 1827, the *raiyats* had no reason to be proud of any rights which they enjoyed and it can hardly be shown that any material change took place in their status before 1859. Under such conditions, the *zamindars* had hardly any difficulty in those days to secure for themselves the full advantages of the soil, which was all their own; and consequently there was no necessity then for them to seek an enhancement of rent through courts of law.

In 1859, by a forced interpretation of section VIII of Regulation 1 of 1793, necessitated for the exigencies of the State, British Administrators began to interfere with the relationship that existed, till then, between the two communities and by section 6 of Act X of 1859, a right of occupancy was created by the legislature, for the first time, in favour of the *raiyats*. In 1864, a majority of the Judges of the High Court, Calcutta, held that the right of occupancy created by section 6 of Act X of 1859, was an invasion of the rights of the landholders. Mr. Justice Trevor declared it "a great infringement of the law previously existing" and the learned Chief Justice Sir Barnes Peacock recommended its repeal on the ground "that it interfered with the rights of the *zamindars*, at least in the permanently settled districts by vesting right of occupancy on the *raiyats*, which had no previous existence."

In a Minute, dated 8th January, 1880, Sir Richard Garth stated that "However this may be, it is certain that before the passing of the Rent Law in 1859, a landlord could and did, almost at pleasure, rid himself of objectionable tenants. Act X of 1859 protected *raiyat* from eviction after 12 years of occupancy and prevented the landlord from enhancing his rent after that period, except under certain conditions.

"Now, however wise and politic this provision might have been, it seems impossible to deny that it operated as an invasion of landlord's rights as conferred upon him by the Permanent Settlement, and the only equitable ground upon which such an invasion could be justified, would seem to be this, that if a *raiyat* has approved himself as a good tenant by cultivating his land and paying his rent satisfactorily for a long period, it was only fair to him and no real injustice to the landlord, for continuing him in his occupation and prevent his being ejected without some sufficient grounds. But assuming this to be the true view of the matter, what becomes of the justification for invading the landlords' rights, if the *raiyat* is to be allowed as soon as he has acquired his right of occupancy, to get rid of it altogether? If the equity to the landlord consisted in his being permanently secured a good tenant, what became of the equity if you allow the *raiyat* to transfer his interest?"

Sir, such views as these, and particularly that pronounced by an eminent legal authority like Sir Richard Garth, carried great weight with the legislature when the Bengal Tenancy Act of 1885 was before it; and the right to transfer was then rightly denied to the occupancy *raiyats*. To summarise, I have to say that up to 1859, the *raiyats'* interest in land was always ignored and it was only since 1859, the legislature have sought to invest the *raiyats* with the rights and privileges which they never enjoyed before.

Now, Sir, I draw your attention to the fundamental principle of legislation advocated by the Rent Commission of 1880 to support their contention for conferring a transferable interest on the occupancy *raiyats* and it is this, that the legislature possesses the power to re-distribute property in land, where such re-distribution is required in the interests of the entire community.

But they had to admit that if such a re-distribution has for its immediate result, the impairment of existing interest, compensation is usually given by all civilized legislature to the party whose rights and interests are so impaired; and they observed further, that the rule should prevail if anything contained in the Bill constituted a case, to which the rule can be applicable.

Sir, the powers of the legislature for the re-distribution of existing rights to property are, therefore, well defined, and admitted even by the Rent Commission of 1880, to be available to it to the legislature only when such re-distribution is required in the interests of the entire community. Such powers of the legislature ought not to be used in the interests of a particular community and even when it is done, every civilised legislature should compensate the other for the wrongs done to it, commensurate with the extent of the rights snatched away from them.

Sir, these principles were partially adopted in the Act X of 1859 and in the subsequent legislations that followed, the legislature professed to give the landlord some compensation for the rights it had transferred from them to the *raiyats*. But, Sir, the compensation has all along been very poor. And now to crown all, we are asked to repeal those very provisions of the law which provide for the most meagre compensation which a landlord has now got for himself. Sir, neither equity nor law will support a measure like that we are now asked to carry out. If you remove from the Statute these provisions, the *raiyats* will practically be the sole proprietors and the *zamindars* shall have to rest content with receiving a "quit rent", in the sense in which it is used in English law. This would be a very strange and unwarranted transformation, in the name of equitable re-distribution of rights to land. I think no legislature should favour such a proposal. I, therefore, oppose the motion.

4 p.m.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Before I speak on this particular motion I want to ask you, Sir, on a point of order whether it is permissible for a member who has already spoken on a resolution on a previous occasion, to speak again on the same resolution?

Mr. PRESIDENT: The resolution was revised by a fresh notice and admitted by *de novo*. So, Mr. Sarat Kumar Roy was perfectly entitled to speak.

Khan Bahadur MUHAMMAD ABDUL MOMIN: As I am one of those who spoke on the last occasion and particularly on the three points which have been raised by this resolution, I would like to be very brief on the merits of the question. The thing which has impelled me to rise up and speak is the three statements* which have been handed over to us a few minutes ago. These statements have been collected by the Revenue Department evidently with the intention of showing a very rosy picture of the condition of the tenants in Bengal. I would make bold to challenge the correctness of the statements as well as their implications.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I rise on a point of personal explanation? The statements are compiled from settlement reports and my hon'ble friend whom I and others in the Revenue Department hold in great respect has seen these settlement reports. If any hon'ble gentlemen desire to get any further information, we can show from the settlement reports that the statements are absolutely correct; whether it presents a rosy picture or not that is a different matter.

* *See* "Appendix."

Khan Bahadur MUHAMMAD ABDUL MOMIN: I am aware of the fact that these statements have been collected from the settlement reports, but what I wish to point out is that the conditions which prevailed in the agricultural world in the years when these settlement reports were prepared do not exist at the present moment. The percentages of profit and gain which we conclude from these statements are unreliable. For instance, in these statements it has been shown that the average gross produce per acre in the Jessore district is Rs. 57. I can quote from the statistics of the Agricultural Department that the average produce of paddy per acre is 15 maunds and the value of 15 maunds at the present computation will be about Rs. 14. In Jessore, I think, at least 80 per cent. of the lands produce paddy. Therefore it follows that the income from the average acre of land in Jessore at the present moment is not more than Rs. 15, while the average rent per acre is Rs. 2-7. That is only of the occupancy *raiyats*, but there are other classes of *raiyats*, such as non-occupancy *raiyats*, *uthandi raiyats* in the district of Nadia, whose rents are much higher than that. Therefore the percentage which has been put down as the proportion of rent to the gross produce is entirely wrong: it would be on that calculation about 1/7th.

Leaving that point aside, I would like to draw the attention of the members of this House to the present condition of the agriculturists in this province. Is it a fact or is it not a fact that in spite of the low rent the rental is not very low in comparison with the gross value of the produce of the land? Is there anybody who is bold enough to say that the tenantry of Bengal is thriving or that their average standard of life is higher than anybody in the world? If that is not so, then I do not think that anybody has any right to say that the tenants in Bengal in spite of the low rental are in a happy position. By compiling these particular statements in regard to this resolution, probably the Hon'ble Member wants to show that there is no justification for asking or for the conclusion that the rent of the tenant is too high and, therefore, there is room for enhancement. I hold that the question of enhancement of tenants' rent stands on a different footing altogether than a mere economic question. Considering that the revenue of landlords is fixed in perpetuity, there is absolutely no moral justification for enhancing the tenants' rent, particularly when the enhanced income does not go to the coffers of the State, but only goes to the pockets of the private *zamindars* who have no right to that unearned income or increased rent from the tenant. If these landlords had done anything to deserve this income from their lands by giving any benefit to the tenants or by improving the agricultural condition of the soil or by any other means, there would have been some justification perhaps for claiming some enhancement, but I say that the average landlords, 99·9 per cent. of them in Bengal, not only did not do anything for the welfare of the tenants, they did not even live among

them, they live outside, and the only interest they have taken is to get rent from their tenants irrespective of the fact whether the condition of the tenant is good or bad. Therefore I think there is no moral justification for the landlord to enhance the rent. There are some provisions in the Tenancy Act which are really inequitable. For instance, the *zamindars* have got a right to enhance their rents on the ground of rise in the price of staple food crops. That is the ground on which the landlords get an enhancement of rent, but I say that ground is the most inequitable ground particularly in the present economic condition of the country. If you take the average price for the last ten years, you will find that there has been a rise in the price of staple crops, but can anybody honestly say that it would be right at the present moment considering that there is a tremendous fall in the price to enhance the rent on the ground of rise in prices? The average price of paddy per maund would be Rs. 3, but now it is Re. 1 or less. Therefore, where a tenant pays Rs. 3 per acre, considering the fall in his income it would be criminal to ask him to pay anything more.

There is another statement according to which it is perhaps intended to show that the landlords have not exercised their right of pre-emption to a very considerable extent and, therefore, all this outcry that this provision is harassing is baseless. I take it that that is the intention.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I rise on a point of personal explanation? I say that the sole intention was to place materials in the hands of the members.

Khan Bahadur MUHAMMAD ABDUL MOMIN: We find from the statement that in only ·003 per cent. of the cases the *zamindars* have attempted to exercise this right of pre-emption. I say that this shows exactly contrary to what the Hon'ble Raja Bahadur of Nashipur has tried to show. I mean that this provision is absolutely of no use to them as a measure to avoid undesirable tenants. Out of 1,10,000 transferees they did not find more than 1,100 cases in which it was necessary for them to exercise this right. Therefore we take it that there is no justification in saying that they want to exercise this right only when there is a risk of any undesirable tenant coming in. He argued that if undesirable tenants become the transferees, the landlords should have the right to come in, and if they do, it does not in any way harm the tenant. It is not a question in how many cases the landlords have exercised this right to show that it is oppressive. I say it is oppressive, because of the risk entailed under this provision. When a tenant sells his land to a man who buys it, the landlord may come in and deprive him of it. It indirectly affects the sale price. It is true that this provision may exercise a check on the price being put too low. On the other hand, what actually happens is that because of this risk the prices are actually

affected and that has been the practical effect of the provision since it has been introduced by the Act. There is also a stronger ground against this provision—a moral one, under which this provision is most unjustifiable. Tenants claim the land as their own property and this they are certainly entitled to do. In spite of the quotation given by Mr. Sarat Kumar Roy, it is practically accepted that as tillers of the soil they are the actual proprietors of the soil. That being so, I do not think anybody has any moral right to impose any restriction on the sale of those properties. As I said on a previous occasion on the floor of this House that if an unwelcome purchaser can be shut out by the landlord, a similar provision should be imposed under the Transfer of Property Act imposing the same restriction on the sale of *zamindaries*. Why should Government not have the right to examine the character of the persons to whom these proprietary rights are passing and to whom the properties are being sold? This resolution really aims at the relief from certain very stringent and harassing provisions under which the tenants are labouring and I think it is unseemly on the part of the landlords to object to an amendment of the Act to relieve the tenants of these harassing provisions.

After all the landlords have abrogated to themselves the rights to the land which actually belongs to the tenants. They have no right to be obstructive or to prevent the repeal of harassing provisions which are telling heavily on the tenants. Mr. Sarat Kumar Roy has placed before the Council to-day the very curious argument about the right of occupancy. He says that the right of occupancy was granted to the *raiyats* in 1859 and was considered at that time by some very great authority that it was subversive of the landlords' rights. I would like to ask you, Sir, whether the tenant was the first on the land or the landlord, whether the landlord came when everything was jungle and he parcelled out the land to the tenants. (A VOICE: Yes.) I would advise him to read the book "Growth of the Soil".

(The Council was adjourned for 15 minutes for prayer.)

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I already opposed this resolution last time, and I oppose it even now.

I stated my reasons for opposition as clearly as I could as has been done to-day by our esteemed friend, the Raja Bahadur of Nashipur.

My apprehension is that this resolution in its attempt to kill a dying bird—should I say already a dead bird—I mean the much maligned Bengal *zamindars*, will fail to do any good to the *raiyats* or tenants.

Does the mover of the resolution really believe that if the *zamindars* are robbed of a small portion of the purchase money of the lands, that portion will automatically go into the pocket of the seller? Certainly not.

Transactions of this kind are controlled by economic laws, and the *modus operandi* of economic laws change according to the changed circumstances rural Bengal is passing through. Rural Bengal is in a chaotic condition. It is a very serious problem.

Neither robbing the *zamindars* of transfer fee, nor the artificial manipulation of usury law by legislature, will help the *raiyats*. And if they do not help the *raiyats*, what is the good of this resolution? I confess, I fail to see any good. It is rather a sentimental piece of, I again say, mock patriotism which has no sound economic basis to stand upon.

For the same price of land right of pre-emption does not affect the tenants in any way. Priority is an accepted principle of Mortgage Law in the country. How would it be a greater sin if it is applied here? I do not see any reason in it.

Enhancement of rent depends upon some favourable circumstances. Where those favourable circumstances do not exist, there will be no enhancement.

Have not the Government enhanced revenue by adding to it road cesses? Before you can abolish enhancement of rent, you should abolish road cess claimed by the Government.

Sir, I oppose this resolution mainly on three grounds. First, it is based on unsound economic laws. Second, it gives no material help to the *raiyats*. Third, it attempts to do very great injustice to Bengal *zamindars* who at present owing to the non-realisation of rents cannot pay Government revenues.

The last solution would be that let the Government buy up all the *zamindary* properties of Bengal and then come to a fresh settlement with the *raiyats*.

So long the Government is not prepared to do that, it would be gross injustice to whip the *zamindars* to death with legislation of the kind proposed by the mover.

Mr. ANANDA MOHAN PODDAR: Sir, I rise to oppose the resolution moved by my friend, Maulvi Tamizuddin Khan.

The Bengal Tenancy Act was amended only in the year 1928 and the members of this House must remember the troubles and pains they had to pass through at the time. The existing law was settled after most careful consideration and considerable give and take on the part of both landlord and tenant. The landlord was allowed these rights of pre-emption, of enhancement of rent, and transfer fees not as a measure of sop or concession but they were made to agree to these proposals after considerable sacrifice. For better or for worse they had to accept these amendments in view of the pressing need of the time. Within this period of four years, the situation in the country has not so much changed as to call for these sweeping changes in the relation between the landlord

and the tenant. If my friend, the mover, is so very anxious to ameliorate the conditions of the poor tenants of Bengal, I would rather request him to devote his energies to other fields than to attempt at tinkering with the Bengal Tenancy Act.

Sir, piecemeal legislation is always dangerous and we are opposed to this sort of piecemeal amendments in the tenancy laws of Bengal on principle.

Sir, the respective rights and privileges of the landlord and the tenants of Bengal have been recognised and settled since the days of Permanent Settlement in the year 1793. The landlords have been allowed the transfer fee and the right to enhance the rent since the enactment of that memorable piece of legislation of Lord Cornwallis. You cannot do away with that right at your convenience. Since the creation of that settlement the *zamindars* have been receiving repeated assurances from all quarters, from Sovereigns, Viceroys and Governors of the province, that the *zamindar's* rights will not be interfered with. But what we read to-day between the lines of this resolution—it is nothing but an attempt to do away with that sacred guarantee.

Sir, under the existing laws, a landlord is bound to recognise a transferee as his tenant however unwelcome he may be, his only consolation or compensation being the transfer fees. Moreover, at the time of acquisition of his right to an estate, he had to make a considerable sacrifice—he might have got it at a high price or might have to undertake considerable risk in creating the tenancy—of course in the hope of deriving future benefits from it—the transfer fee being the only source of such benefit. Under the Bengal Permanent Settlement Regulation I of 1793, the *zamindars* were declared proprietors of areas over which their revenue collection extended, subject to the payment of land revenue and to the liability to have their lands sold for failure of payment. The percentage of rental demanded from the *zamindars* in the shape of land revenue at the time of the creation of the Permanent Settlement was very high. It was fixed at approximately ten-eleventh of what the *zamindar* received from the *raiyat* by way of rent, the remaining one-eleventh being left as the return for his trouble and responsibility. The *zamindar's* task at the time was not an easy one; he had to pay up the land revenue whether he could collect the rent from the *raiyats* or not; otherwise his estate was put up for sale. Such is the case in the present time also. He had also to improve the land which was at the time uncultivated and had to make settlements with the tenants and to make unhabitable land useful at a considerable expense.

As against this tremendous responsibility, the *zamindars* enjoyed the privileges—the right of transfer fee and enhancement of rent—you cannot consistently abolish that privilege of the landlord now.

Again, as regards the right of pre-emption, it is a natural consequence of the landlord's transfer fees. It was devised and introduced to put a check in bogus and fraudulent transfers as well as to prevent frequent alienation of the tenancy. Its abolition will make the position of the tenants more insecure. If you abolish the right of pre-emption of the landlord, genuine and *bona fide* transfer of land will be a thing of the past. Without pre-emption the percentage of transfer fee which is fixed at Rs. 20 in the 100 has no value and it will give opportunity to unscrupulous tenants to cheat the poor landlords of their equitable share by making fraudulent transfers. The right to enhancement of rents is bestowed upon the landlord in order to give an impetus to make improvements on the land. I do not see why the landlord will not be entitled to an enhancement of his rents after a long period of 15 years. Without this the right of the tenant will almost be equivalent to a permanent one. There will be then very little difference between an intermediate tenure-holder and an ordinary tenant. Moreover, the landlord is not at liberty to enhance the rent at his sweet will. He is required to file a petition in the proper court for the purpose and adduce sufficient evidence in support of his prayer. The tenant may contest the suit as he usually does, and it rests with the court to decide one way or the other after proper inquiries. So there is nothing in it that may cause the tenant any loss or injury by this provision in the Bengal Tenancy Act.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, it is very seldom that a member of the Council is lucky enough to enjoy the privilege of speaking twice on the same resolution. In this respect the mover of the resolution occupies an enviable position; for it was in the last session of the Council that this identical resolution was moved and debated upon, but owing to the time-limit having been reached, it could not be put to the vote. The Maulvi Saheb has said nothing new; he has advanced the same arguments in favour of his proposal as on the last occasion. He has given no new light which is likely to influence our decision in his favour.

Sir, the resolution contains three important points which are vital to the landlord. The proposals of the Maulvi Saheb, if accepted, will revolutionise the tenancy system in Bengal and the time is hardly opportune for the discussion of subjects like these as the same are calculated to disturb the cordial relations that exist between the landlord and the tenant.

It is known to us all that when the Bengal Tenancy Act was on the legislative anvil in 1928, similar amendments were tabled for discussion by members of the Maulvi Saheb's way of thinking, but after protracted debate a compromise was reached and the provisions which form the subject matter of the resolution were incorporated into the Act, while

the landholders' group in the Council, led by the Maharaja of Mymensingh, conceded certain rights to the tenants in the matter of erection of buildings, excavation of tanks and the cutting down of trees, although I still hold that these concessions were not much to the benefit of the tenantry.

Sir, the mover of the resolution has referred in eloquent terms to the question of repeal of the provision regarding the landlord's transfer fee and pre-emption. But he evidently forgets that by the fixation of the *nazarana* at 20 per cent. of the purchase-money the landlord has been subjected to some financial loss, as before the amendment of the Bengal Tenancy Act, the tenants willingly paid in some areas more than the rate prescribed in the Statute. With regard to the question of pre-emption, the provision is more or less a dead letter. Very few landlords have the means to exercise the right of pre-emption, for it means deposit within two months of a sale of the price of the land *plus* ten per cent. as compensation. Besides, it is not in the interest of the landlord to exercise his prerogative in this matter, because it means unnecessary expense and foregoing of the *nazarana* which the landlord would have received if he had recognised the purchaser. In those cases only this right is exercised by the landlord in which the transferee is an undesirable person or his possession of the land is considered to be detrimental to the interests of the villagers. I do not wish to expatiate on the points against the resolution by advancing arguments which have been staled by repetition.

I will conclude by referring to two interesting points raised by the mover and Khan Bahadur Muhammad Abdul Momin. Maulvi Tamizuddin Khan has said that the money-lender of to-day is the landlord of to-morrow. Rightly so. This argument goes against his resolution as it is in order to prevent land from passing into the hands of *mahajans* that the right of pre-emption should be retained. Do away with this safeguard and you will find all the lands passing into their hands to the utter helplessness of the *raiyat*.

The Khan Bahadur maintains that the land belongs to the *raiyat* and the *zamindar* should be entitled to no enhancement of rent or any rent at all He has questioned the *locus standi* of the landlord. He wants to know who came on the land first, the tenant or the landlord. May I ask, in reply, as to who were in occupation of the land we live in, whether the cultivators or the British Government. If we were to accept the Khan Bahadur's view-point, then the British Government would not be entitled to the revenue which is derived from the land. The *zamindar* is entitled to rent from his tenants for the same considerations as the Government is entitled to land revenue from His Majesty's Indian subjects.

With these words, I oppose the resolution.

Babu AMULYADHAN RAY: Sir, I have been requested to convey to the members of this House a resolution passed by a meeting of the depressed classes held on the 12th February at the Town Hall, Jessore. The resolution runs thus—

"This meeting earnestly requests the members of the Bengal Legislative Council to exercise their vote in favour of the resolution to be moved by Maulvi Tamizuddin Khan for the repeal of the provision regarding landlord's transfer fee, provision regarding pre-emption and the provision regarding enhancement of rent, etc., etc."

I do not wish to take up much time of the Council as it has been thoroughly threshed out in the last session, but regarding that resolution I will only give a word of advice to my hon'ble friends here who are sitting on the various benches and dreaming to be Ministers to-morrow, that they should avail themselves of this opportunity of realising the fate that awaits them two years hence. The *zamindars* of Bengal should earn the goodwill of their tenants and if this motion is not carried to-day, it will be carried to-morrow. My other friends in this House should record a character certificate in their favour for the future election by voting in favour of this resolution.

Babu JITENDRALAL BANNERJEE: Rai Bahadur Keshab Chandra Banerji complained that the mover of the resolution had brought up no new argument in support of his position. I am afraid that the same complaint can be urged against him also, for it does not appear that he too has shed any new light on the question himself. The argument that he used quite at the tail end of his speech had the merit of novelty but not the merit of ingenuity. He instituted a curious comparison between the position of the British Government and the position of the landholders in Bengal. He said that the *zamindars* were entitled to rent on the same ground and for the same reason that the British Government were entitled to revenue. One had thought that the British Government were entitled to revenue partly by the right of conquest, and I have yet to learn that the *zamindars* of Bengal have conquered Bengal, or ever did conquer Bengal at any known period in the history of the country. Government are entitled to revenue, I presume, because they are supposed to safeguard our lives and property and I have yet to learn that the *zamindars* of Bengal—no doubt a very estimable body of men—spend their energies or have ever spent their energies, in policing the country or in safeguarding our lives and property.

Mr. SARAT KUMAR ROY: They certainly used to do so before.

Babu JITENDRALAL BANNERJEE: Did they do so 200 years ago? Shall we go so far back as that?

Mr. SARAT KUMAR ROY: At least about 100 years ago.

Babu JITENDRALAL BANNERJEE: Well, Sir, there has been a good deal of burrowing into ancient history in the course of the debate—and by none has it been undertaken more zealously and industriously than by Mr. Sarat Kumar Roy. He frightened the House or sought to frighten it by calling up the bogey of the Permanent Settlement.

Sir, some people seem to think that the universe, or, at any rate, that considerable section of the universe known as Bengal, did not exist before the year 1793; or that it was created not by God Almighty but by Lord Cornwallis, and that the new-born child came into existence as wrapped up in a sort of caul in a piece of parchment called the Permanent Settlement. Others might differ in their opinion; but so far as Mr. Sarat Kumar Roy's main position is concerned, I am prepared to concede it at once, I am prepared to agree, that Lord Cornwallis *did* confer upon the *zamindars* of Bengal the status and character of proprietors of the soil. But because Lord Cornwallis perpetrated this blunder once, is that any reason why we should go on perpetuating it for all time to come? Lord Cornwallis and other estimable persons of the period were English country gentlemen brought up in the ideas and traditions of the English system of land tenure. Now, in England owing to the Feudal system and other historic circumstances into which we need not enter at present, the landlords have always been the proprietors of the soil, but do the same conditions prevail in this country? Besides, when the Permanent Settlement was first inaugurated, there were reasons of administrative convenience for the measure which are known to all students of history. But those reasons of administrative convenience have disappeared long since; and to-day my friend has himself admitted that since then, since the year 1793, there have been a series of enactments invading some of the most cherished provisions of the Permanent Settlement. If that is so, does it not indicate that the Government has woke up at last to a sense of its responsibilities in the matter, that it has a sense of the cruel injustice it had only perpetrated and now wants to remedy the same? They made this attempt first in 1859, again in 1885, and again for the first time in 1928. We only want that the good work should continue till this atrocious iniquity has been purged off from the statute book of the country altogether. (Question, question.) My friend questions—I do not know what precisely he questions,—but there is something which he will have no reason to question two years hence.

Some of my friends observed in a previous debate that the resolution was drastic and revolutionary; but if it is revolutionary; it is only the thin end of revolution that it introduces. Actually, Sir,

there is nothing revolutionary about the resolution, it gives one last chance to the *zamindars* of Bengal to put their houses in order. If they do not avail themselves of the opportunity now, let them visualise the state of things that will come about not in the course of a century or a half but in the course of the next two or three years at the most. Let them wait and dawdle for two years more and they will no longer have the opportunity of setting their house in order. Let them give now when there is still grace in giving, let them concede now, when there is still virtue in concessions, but, in the course of the next two years or so, there will no longer be either grace or virtue in concession: it will be concession extorted through the nose. The *zamindars* of Bengal speak of expropriation. If there is expropriation now when the sun yet shines, there may be compensation with expropriation. Two years after, there will be expropriation all right but no longer any compensation.

5 p.m.

Sir, the demands set forth in the resolution of Maulvi Tamizuddin Khan are so modest, moderate and suitable, so eminently fair and just, that they cannot fail to carry conviction; and I am surprised at the volume of opposition that has been evoked by them. After all, what are the demands? I shall go over them one after another and refer to some of the arguments that were raised, not to-day for the first time but on the last occasion also. The first demand is that the system of transfer-fees should be abolished. At present, on every recurring occasion of the transfer of a holding, the landlord comes in and benefits by a share of the purchase money. We want a removal of this grievance. Why should it continue? Is there any reasonable answer forthcoming on the part of the *zamindars*? The only argument is that it was a sort of *quid pro quo*—we give you something and you give something in exchange. But, what do you give? You say that, for the first time, in 1928, the *zamindars* conceded the right of transferability. That was the argument used by the Maharaja of Kasimbazar, and I say that this is perversion of history and a misreading of facts. The right of transferability was not granted nor created for the first time in 1928. Ever since 1793, occupancy holdings have been freely transferred in the country, and *zamindars* have freely acknowledged the same after pocketing their share of the purchase money only. Formerly, it was bare-faced spoliation on the part of the *zamindars*. What has happened since 1928 is that this spoliation has been hardened, legalized and sanctioned by my hon'ble friend over there, himself a *zamindar*, and keenly alive to the wants and interests of the *zamindars*.

Sir, as regards the other argument—it was put forward by a millionaire from Dacca—it was still more curious in character. He

said, after all what does the *salami* matter? It is only 20 per cent. of the purchase money. The purchaser does not lose, the seller does not lose, it is only 20 per cent. after all! No, Sir, they do not lose: only what happens is that the purchaser pays 20 per cent. more or the seller gets 20 per cent. less, whichever way you take the matter! The millionaire says, what does it matter? It is rupees 20 only in a hundred. Sir, it does not matter to the millionaire, but what about the poor tiller of the soil to whom a rupee is life or death? In this connection the figures circulated under the authority of hon'ble members are very illuminating. According to his figures—they may be wrong in other respects, but I should presume correct in this—they are according to my friend's figures, the amount of money involved in the sale transactions of occupancy holdings in one year was over Rs. 1,60,00,000——

The Hon'ble Sir PROVASH CHUNDER MITTER: No, no.

Babu JITENDRALAL BANNERJEE: They are your own figures, Rs. 1,60,89,450.

The Hon'ble Sir PROVASH CHUNDER MITTER: Rupees 1,10,362 is the number of transactions and not money.

Babu JITENDRALAL BANNERJEE: Is it the number of transactions? Does rupees stand for transactions? Sir, I am not in the habit of giving wrong figures or inaccurate quotation. That is the privilege of the Government.

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not want to interrupt the hon'ble member now, but I shall explain that later on. But I am warning him that he is wrong.

Babu JITENDRALAL BANNERJEE: The total amount being one crore sixty lakhs, it means that the *zamindars* get Rs. 32,00,000 as their share that is the little nest-egg which the Government of this country presents to the *zamindars* of Bengal year after year. Rupees 32,00,000 of additional income to the *zamindars* for which they are required neither to toil nor to spin Rs. 32,00,000 bled from the tenants of Bengal, spoliated from their pockets, robbed from them even as any outlaw might rob! Then as regards averages, my friend is very fond of dealing with figures regarding averages, but these averages are very misleading. I shall give you an instance. According to a very estimable authority, the average income of a man in India is Rs. 20 per year. Of course nobody can possibly keep body and soul together on Rs. 20 per year. But would the conclusion on the benches be that every one of us is starving? I see some very

well-nourished figures around me. Again in England we are told that the average income of a man is £40 a year; then according to the law of averages are we to suppose that there is no unemployment in that country? And yet the figures of unemployment have a distressing habit of creeping up year after year. Therefore, you can make these averages prove anything or nothing.

Sir, as regards the question of pre-emption, a favourite argument used to-day, it was used the other day as well, that it was only for the purpose of saving the poor tenant from the clutches of the money-lender. The money-lender argument comes with a very ill-grace from the *zamindars* of Bengal. It does not lie in their mouths to say, "we want to save you" from money-lender. Let them save themselves first from the clutches of money-lenders and then it will be time to speak of saving others! We know how it is with more than three-quarters of the *zamindars* of Bengal to-day, we know in what desperate financial straits they stand! For them to spend money for the purpose of saving other people from the clutches of money-lenders would be a miracle indeed! Sir, in point of fact, this right of pre-emption will be used not for the purpose of saving tenants from money-lenders, but in the interests of the money-lenders themselves. The landlords will pre-empt, not for the purpose of saving the tenant from the money-lender, they will pre-empt for the purpose of introducing a money-lender into the land—the land which covets and which he was unable to get in the ordinary way! (Question, question.) And the money-lender will not grudge the additional ten per cent. of pre-emption fee. We have got a very venerable precedent on the point going back over two and more thousand years. There was a man named Naboth; somebody coveted his vineyard and wanted to give him a better vineyard in return. And if Ahad could afford to be so generous, I am sure that the money-lenders of Bengal could easily put their hands into their pockets and pay 10 per cent. or more. But how would the poor Naboths of Bengal be benefited there?

As regards the question of enhancement, it was said that if the landlords could claim enhancement, the tenants also were entitled to claim reduction. But so far as tenants are concerned, they can demand reduction only in certain specific cases and for specific and particular reasons. So far as landlord is concerned, however, there is no reason at all for rain or shine at the end of every recurring period of fifteen years for they are entitled to claim their pound of flesh.

Mr. J. N. GUPTA: No, no.

Babu JITENDRALAL BANNERJEE: Mr. J. N. Gupta seems to have forgotten his tenancy law, he seems to have forgotten that the provisions of the Tenancy Act are so arranged that practically after the lapse of every period of fifteen years, the landlord is entitled to put in his claim. (Cries of "No, no"). Why, Sir, even now, in this present fearful state of economic depression they are still demanding enhancement; and such is the beautiful legal interpretation of "the average price of food crops"—that courts are compelled—much against their will and conscience to grant them the decrees they seek. And so I say that it is time for the landlords of Bengal to sit up and read just their relation with their tenants! Time *was*, time *is*, but soon perhaps one will have to say that time *will no longer be*.

Resolution No. 1.

Khan Bahadur Maulvi AZIZUL HAQUE: Mr. President, Sir, just a few minutes before Rai Bahadur Keshab Chandra Banerji was questioning Babu Jitendralal Bannerjee that the landlords never exercised this right of pre-emption to get his coveted land. I can quote a recent incident which is known at least to one member of this House. A certain plot of land which is very highly priced was in the occupation of an occupancy *raiyat* in the district of Nadia in the headquarters of Krishnagar. It was situated near about the Krishnagar court buildings. Mr. B. K. Basu, I am mentioning his name, lest I am told that the purchaser was defrauding, wanted to purchase that land, and he gave a good value and money to the tenant. But you will be surprised to hear that the right of pre-emption was exercised on the ground that he was an undesirable tenant. Still my friend, the Raja Bahadur, wants to say that this power is only exercised when an undesirable tenant is brought in or there is some fraud of sorts.

You will find, Sir, that historical references have been brought out to-day to find out that the *zamindars* were the proprietors of the soil. Once again, I draw your attention to the fact that this is misreading history, and misreading history in a terrible manner. I cannot do better than quote Sir Courtney Ilbert who introduced the Bengal Tenancy Act in 1885, and discussed the different phases affecting the Bengal Tenancy Act, and incidentally the rights of the landlords. He says, "If you are to ask an English lawyer, what were the rules regulating the proprietorship of the land, he will tell you that you are using loose and unpopular language, and would ask you to make your meaning more precise and clear." When the term proprietor was freely applied to the *zamindars* of Bengal and other persons of the same class in the official documents of 1793 and later, it could not possibly be taken

as technically extinguishing rights of others. Sir Courtney Ilbert says that the very fact that the word "owner" exists in the English Public Health Act does not show that the owner on whom a duty is imposed is really the owner in the literal sense of the word. He went into details and came to the conclusion that under the Permanent Settlement they were merely treated as proprietors of the soil, and "that the *zamindars* are the proprietors only to the extent of paying revenue and not to the extent of extinguishing the rights of the people who are actually the tillers of the soil." I want my friend of Barendrabhum to remember that the *zamindars* were treated or deemed as proprietors only to the extent of paying the revenue and not to the extent of extinguishing the rights of the people who were actually the tillers of the soil. If you will look to the regulations of those days, you will find that whenever Government have made any settlement of land, they have laid down rigorous precautions to protect the rights of the tenants. In other words, in the Permanent Settlement, the *zamindars* were treated as the proprietors of the soil for definite and explicit purpose, namely, for the payment of the revenue, and not for extinguishing the rights of the tillers of the soil who were really the owners of the land. Sir, in this connection, one more extract from the statement of a Lieutenant Governor of Bengal who discussed this matter as to who were the proprietors of the soil in 1885, is important. He says: "We know that the *zamindars* of Bengal when dealing with interpretations regarding the Permanent Settlement are very unwilling that any reference should be made to contemporary history. They openly said so in a public document and I do not see how we can avoid any reference to contemporary opinion and what eminent men said on the point. Then take what Sir Philip Francis said in this same connection. He said, the rate of assessment should be fixed for ever no matter who might be the occupant, to secure to the *raiyats* permanent and undisputed possession of the land and guard them against arbitrary exactions." The numerous despatches of the Court of Directors and many other documents go to show that whatever might be the other intentions, the primary intention was to secure to the tenants their just right to the land. Those were the intentions with which the Permanent Settlement was promulgated in this country. It is quite easy to forget history, and I know that those who are making researches often attempt to create a history of their own. I am still more surprised that it is often forgotten that Government intervened as between landlords and tenants simply because the exactions of the landlords went so far as to go beyond the limit.

5-15 p.m.

After all, as Mr. J. L. Bannerjee has pointed out, what is this demand as embodied in the resolution before the House? You are

given the Permanent Settlement or permanent State-demand, with what conscience can you come to the floor of this House in the 20th century and say that you will not give the same permanent rights to the tenants specially in view of the fact that that was the definite intention with which the Permanent Settlement was created, namely, that the tenants might be given fruits of tenure and be contented and prosperous? That was the intention. The greatest condemnation of the landlord system is its failure and that in spite of the fact that thy had enjoyed the unearned benefit from the land for the last 150 years and in spite of the fact that 20, 30 or 40 lakhs which have been presented after the enactment of the Bengal Tenancy Act of 1928, the landlords say that owing to the economic stress they are absolutely gone. That shows to what extent their administration has come to. If they do not care to insure against bad years or protect their own interests, in good times can they expect the State to do that? I am surprised to see that Government have circulated certain figures which are not only wrong but unfair for the purpose of comparison. If you compare the rentals of occupancy raiyats with the total value of rice in normal times, I want to know whether you have forgotten the case of non-occupancy, *utbandhi* and other *raiyats* of different grades. You are paying a total revenue of Rs. 8,00,00,000, whereas the total rent collected is Rs. 16,00,00,000. I can quote Sir P. C. Mitter in this House. He said distinctly Rs. 16,00,00,000——

The Hon'ble Sir PROVASH CHUNDER MITTER: No, no.

Khan Bahadur Maulvi AZIZUL HAQUE: He said that Rs. 16,00,00,000 was the total of the rents realised from the occupancy *raiyats* in Bengal.

The Hon'ble Sir PROVASH CHUNDER MITTER: I challenge him to show that. I might have said that that is the sum total on which cess is realised. I never said that that was the total of the occupancy *raiyats*' rent or that that was the total of the occupancy *raiyats*' rent roll together with the total of the rentals of *raiyats* at fixed rates or any class of similar agricultural *raiyats*. If you say that is the figure on which cess is realised in Bengal including mines, tea gardens, etc., perhaps you are somewhere near the correct position.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, the matter was investigated by the Banking Inquiry Committee and it was found that the average holding of a cultivator was 5·21 acres. On that basis it was found that the cultivators cannot meet their needs. It is really

surprising that on the floor of this House were sprung on us certain figures without full explanation of the details. Even accepting Hon'ble Sir P. C. Mitter's figures why should we take the total rental of occupancy *raiyats* only and not the total for the other *raiyats*? If he has got those figures, he should have given those figures.

The Hon'ble Sir PROVASH CHUNDER MITTER: That is the figure that is challenged. We are here concerned with the resolution which deals with raising the rent of occupancy *raiyats*. If my friend so desires, I will presently give the other figures and they will be against the contention which he is trying to make.

Khan Bahadur Maulvi AZIZUL HAQUE: Thank you. I will not attempt to reply to my friend, Rai Satyendra Kumar Das Bahadur, who wanted Maulvi Tamizuddin Khan to look to his other occupation, but I must say to him that the day of money-lending being gone, he cannot look to these avocations at least.

There is another matter which I must last of all refer to. The Raja Bahadur of Nashipur said that there was a compromise on the *salami* question. I repudiated that once before and I again repudiate that there was ever any compromise. If Mr. Sen Gupta were out anywhere in Calcutta, he would have given his testimony that he tried his level best to arrive at a compromise, but a certain party which had the paramount power on that date would not budge an inch and ultimately Mr. Sen Gupta was able to bring it down only to 20 per cent. It is known to many members of the House that so far as the members of the tenants' party were concerned, they never accepted the figure nor were they consulted when this 20 per cent. was settled. I hope my friend will remember this when they talk on this question of compromise.

I admit that the economic condition of the country is bad. But are you not enhancing the rent where settlement operations are going on? Are you not exercising the power of pre-emption? If you are doing this, do not talk of economic depression. That may explain your inability to meet your demand or failure to pay your revenue, but that does not explain why you oppose this resolution. Arguments can be made very convenient sometimes to suit every man's purpose. My friend, Mr. Jitendralal Bannerjee, has given to you one of the arguments, that is, after all, for the best benefit of Bengal. Rai Satyendra Kumar Das Bahadur professes to be the best protector of tenants, but time will prove who are the real benefactors of the tenants.

Maulvi ABDUL HAKIM: Mr. President, Sir, I rise to support the important resolution moved by my colleague, Maulvi Tamizuddin Khan. There is no logic or reason on earth to justify the provisions regarding

landlords' transfer fee, pre-emption and enhancement of rents as enacted by the Bengal Tenancy Amendment Act of 1928. In the eye of reason, equity and justice the landlords are nothing but rent collectors of the soil and they have no just claim to call themselves proprietors of the land. Permanent Settlement is nothing but a colossal blunder committed by Lord Cornwallis upon the land question of Bengal. It has deprived millions of *raiyats* of their birth rights and has practically rendered them as so many helots depending upon the mercy of the landlords who form only a microscopic minority of the people of the country. It is the *raiyats* and not the so-called landlords who have been cultivating and living upon their lands since the creation of mankind. Is it not, therefore, just and proper that these natural children of the soil should be called proprietors of land if there be any proprietors of land under Government? And is it not proper that the Permanent Settlement ought to have been granted to these children of the soil, I mean the tillers of the soil, if the Permanent Settlement is at all deemed proper? Every one knows that after the advent of the English in this country, these landlords who now enjoy almost kingly rights over the lands of tenants, were mere *tahsildars* (rent collectors) on the basis of periodical settlement from the East India Company before the grant of the Permanent Settlement. The East India Company came to this foreign country with a balance in their hands and not with a sceptre and hence the company's main purpose was to make money and enrich themselves by carrying on trade in this country and with this main purpose they created a class of permanent landholding vassals, *i.e.*, these so-called landlords, to consolidate British rule in this distant country and thereby establish their own trade and commerce throughout this vast country.

By the Bengal Tenancy Amendment Act we wanted bread but have got stones instead. The Amended Bengal Tenancy Act is nothing but a machinery for exploiting, in the shape of law, money from the poor and helpless tenants and unless the Act is amended on the basis of equity and justness, peace and tranquillity will vanish for ever from Bengal and the hope of *swaraj* will be a castle in the air. From certain reliable statistics we find that the landlords are realising more than Rs. 14,00,00,000 as annual rents from the tenants of Bengal while they pay more or less Rs. 3,00,00,000 as annual revenue to Government. Is not this colossal margin of Rs. 11,00,00,000 more than improper in consideration of their labour as rent collectors? Is there any justification that the landlords should place another fresh burden as transfer fee upon the unbearable burden of our heavy rents, when our lands are transferred to some other person for some inevitable reason? Are not the landlords entitled to get the self same rent from the *raiyat* to whom the land is transferred?

At this time when the tenants are about to die of economic starvation, some provincial Governments, though foreign in composition, have shown

pity upon their tenants and have reduced tenant's rents to the extent of 50 per cent. or so in Allahabad and other localities in non-*zamindari* areas, but alas the landlords of Bengal being our neighbours and sons of the same motherland have not even dreamt of showing such pity upon the starving tenants at this hour of extreme economic crisis! You will be startled to hear that even during these three years of unprecedented economic crisis the landlords have instituted a great many rent enhancement suits in all the districts of Bengal. At the last session I put a question in the Council to know the number of rent enhancement suits brought by the landlords of Bengal in the years 1930 and 1931, but to my utter disappointment I was denied the information on the lame excuse of laborious inquiry at that time. I then asked if I could get the answer at this long session, but I was told by the Hon'ble Mr. Prentice that I would not get the information at any time whatsoever. If I could get the information, I could show the base mentality of the landlords all over Bengal even at this time of unprecedented economic crisis. On my putting a question as to the rent enhancement suits brought by the landlords in the district of Mymensingh in the year 1929, I was told that 2,063 rent enhancement suits were instituted in that one district in that year and that the maximum rate of enhancement per rupee of rent was Rs. 2-4. I was informed by Government in this Council Chamber that the annual land revenue to be paid by landlords for *Parganah* Alupsingh in the district of Mymensingh is Rs. 71,762-15-6, while the annual rent to be realised from the tenants of this *Parganah* is Rs. 10,93,000. This account was given from the old cadastral survey records, but the rents of this *Parganah* have been much more increased since that time, and I have come to know that the total rent of the *Parganah* is now more or less Rs. 15,00,000 per year, *i.e.*, more than twenty times the revenue to be paid by landlords to Government.

From these two instances you can imagine the huge amount of exaction and the heartless mentality of the landlord class of Bengal. The price of rice and other crops of Bengal have gone down to about one-third of its former price and the fertility of the soil also has now grown much less than was before, but the landlords are increasing their rents year by year without any hesitation whatsoever. I would have been more glad if my friend added another item in his resolution for making legislation to abate the rates of rents at this hard time of extreme economic crisis and the fall in price of agricultural products. But can we gain anything by bringing this sort of resolution on behalf of tenants in this Council where landlords' party are in overwhelming majority? At any rate the landlords are not entitled to get any enhancement of rent as long as their land revenue is fixed for ever.

As regards the provision of transfer fee, I may say that it has become harsher than before. Before the amended Act tenants had to pay a customary *nazar salami* only once and that after a considerable lapse of

time and not then and there at the time of registration of the deed of transfer, but now under this amended Act when a tenant purchases a part of a holding he has to pay *nazar salami* twice, once under section 26D and another time under section 88 of the Act in the shape of mutation fee. Unless he pays so, his accounts will never be separated from those of the original tenant.

I find no earthly reason why the *zamindars* should get the right of pre-emption over the transferred lands of tenants. This provision has been made either to oust the tenant from his purchased land or to increase the rent of the purchased land by putting him in fear of ousting from that land. In fact, the name Bengal Tenancy Act is a misnomer; the Act should be called Bengal Landlords Act in the proper sense of the words.

Sir, much has been said about this resolution and I think we should not waste much of our valuable time by lengthy speeches. The subject matter of this resolution was also discussed in the year 1930, but at that time the resolution was lost owing to the minority of the *Praja* party members. But the time has now been quite different, the tenants have now become almost bankrupt. Their lands are now hardly able to bring the amount of rents owing to unusual fall in the price of agricultural products as I said before.

In conclusion, I pray earnestly to the *zamindar* party as well as to the English group of this House to consider the matter very seriously now and vote on behalf of the resolution. The tenant party will certainly call a division in this House for this important resolution and I think members like Mr. Shanti Shekhareswar Ray, Mr. Syamaprosad Mookerjee and some other landlord members who have proved as champions of democracy at the last session by opposing the second Chamber, must vote for the just cause of the poor and benighted tenants of Bengal.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I desire to explain the papers which I circulated* and for this circulation I am sorry to say my action has been misunderstood in certain quarters. My object in circulating these materials of a general character was to place fuller facts before all sections of this House. If one section finds that there are certain points in these papers which they do not like, there are other sections who do not like certain other points and complaints have been brought to my notice from the other sections as well. I circulated these papers because it was easier for the department to prepare these figures from the records-of-rights of various districts and other papers than it could be for private members. The materials are all there in these records-of-rights reports and other published papers. These figures represent only an analysis of materials available to every one of the

* *See* "Appendix."

public who would take the trouble of going through the papers and analysing them. I am glad to find that there are gentlemen on the side of the House represented by my esteemed friend, Khan Bahadur Abdul Momin, for example, and there are gentlemen opposite me, for example, Mr. J. N. Gupta, who are very familiar with these records-of-rights and published Revenue Department papers. I may assure every section of this House that I had no sinister object, but I do feel that the times are such that the more the information that may be made available to the representatives of the people, the better it is for all parties of this House to enable them to form a correct judgment on important land problems. Ours is a land so poor that we cannot afford to follow blindly class warfare that obtains in richer countries. Look around you and particularly at a time of economic depression like this: look at the condition of the *raiyats*, the poorer tenure-holders—my humble personal opinion is that the poor tenure-holders are the persons who are worst off—look also at the condition of the *zamindars*, I am advisedly not using the word "landlord"—the use of the English word "landlord" is apt to lead us astray in properly understanding our land problems—even the well-to-do *zamindars* are perhaps in the same boat as the middle class men, the men of Clive Street or the men in various professions. It is a time when every one should pull together and try for the common weal of the public representing all classes and in that connection may I draw the attention of the mover of this resolution to what he said when he moved it for the first time, but when unfortunately the discussion could not be finished? At page 51 of the proceedings of the 21st to 25th November he said *inter alia* "the agriculturists are the life and soul of Bengal and whatever conduces to their welfare cannot but be fraught with possibilities for the good of the province". With every word of this sentence I entirely agree and I am sure most members of this House and all responsible people outside this House who approach the problems from a detached and non-controversial point of view will also agree. Now, it is on the prosperity of the agriculturists that gentlemen like my friend Khan Bahadur Azizul Haque and Maulvi Majid Baksh can prosper in their profession; it is on the prosperity of the agriculturists that the gentlemen of Clive Street—I see my friends from Clive Street are absent—can prosper in their trade and commerce, and most of all it is on the prosperity of the agriculturists that my friends opposite, the landlords, can prosper, and not merely all these people but on the prosperity of the agriculturists the Government can exist and without the existence of a stable and financially sound Government the body politic suffers including the agriculturists, the tenure-holders and the *zamindar*. The members of this House know, but I would remind them all the same that last year when the Hon'ble Mr. Marr introduced his budget speech, he told you that the income of the Bengal Government had fallen by Rs. 1,72,00,000. Now, I am sure that if the agriculturists who represent about 90 per cent. of the population could have added even Rs. 5 more to their annual

income, the receipts of Government would be bound to improve, the income of all sections of the public would also improve. The improvement in the income of everybody will also bring in more resources to the coffers of Government. It would be possible then to spend more on beneficient activities the expenditure on some of which the Government have been most regretfully compelled to reduce because of the present difficult financial conditions. Therefore I would appeal to this House to approach the question under discussion from a broader and wider standpoint and to rise superior to a spirit of class-warfare. Class-warfare is very catching, and to some, attractive, particularly so when a controversy has been carried on for more than 12 years—those who took part in the controversy and those who belong to this side or the other naturally feel attracted to a controversial point of view, but I would appeal to you all not merely because of the present economic difficulties but even for a greater and weightier reason. In the spacious times to come—and let me hope that the times will be really specious, so much depends on the representatives of the people—when the people of this province will administer their own affairs, it will be absolutely necessary, nay, essential, that they should be just and fair to each other: it is absolutely essential that they should have informed opinion so that they can deal with problems for the common good of the public and the public consists of various sections—the agriculturists, the tenure-holders and even the *zamindars*, I am now referring only to that section of the public with whom we are specially concerned in this resolution, but there are other sections as well. It is hoped that either soon or late, but I hope not very late, some of the gentlemen who are taking part in these discussions will occupy the treasury benches and some of the others will be the supporters of the occupants of the treasury benches. They will then, I hope, appreciate the importance of informed opinion and they will then realise that the trouble taken by the Revenue Department in compiling these figures was for placing useful information before the House. But if any one has any doubt on the correctness of any point, I can assure the House that I shall be very pleased to explain that point and to justify the statements which have been prepared from the records-of-rights and other published papers. It was with that object and no other that these were prepared. One of the statements is headed thus "Statement of the proportion of occupancy *raiyats'* rent to average gross produce per acre". This analysis is taken from the records-of-rights of the different districts. With reference to an observation which fell from my friend, Khan Bahadur Azizul Haque, I would like to explain that as we are dealing with rents of occupancy *raiyats*, I supplied figures for occupancy *raiyats* only, but we have also got the rates of rents of *raiyats* at fixed rates of rent and others. I can quote the figures for these others. In Bankura the average rate of rent per acre of the *raiyat* at fixed rates of rent is Rs. 2-14 as against Re. 1-12 for the occupancy *raiyats* and Re. 1-3 for non-occupancy *raiyats*.

Khan Bahadur Maulvi AZIZUL HAQUE: Have you any objection to hand over a copy of the book?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, this is confidential, but this portion is not confidential and I have no objection to send you an extract of this portion if you want. I have noted the rents of occupancy *raiyats* only because the resolution deals with enhancement of occupancy *raiyats'* rents and not with the other classes of *raiyats*. The average rate of rent of an under-*raiyat* in Bankura is Rs. 2-9. Every one can find out these figures themselves if they like.

Khan Bahadur Maulvi AZIZUL HAQUE: I do not question that, but if you take the total rental of occupancy *raiyats*, you have to compare that total with the total area occupied by occupancy *raiyats*.

The Hon'ble Sir PROVASH CHUNDER MITTER: That is very easily answered. Before you come to the under-*raiyat*, you must have an occupancy *raiyat*. There are no doubt the non-occupancy *raiyats*, but they are comparatively small in number, and, further, the non-occupancy *raiyat* of to-day is the occupancy *raiyat* of to-morrow. Therefore the figures about the small number of non-occupancy *raiyats* are not important. The point which we want to discuss is about the advisability of amending section 30 of the Bengal Tenancy Act which refers to occupancy *raiyats* and not to the non-occupancy *raiyat*. The figures are intended to give an idea of the rates generally and so I have throughout used expressions like "approximate", "about" and that kind of word. If you also make your independent researches into the records-of-rights and other papers, I am sure you will find that the rate of rent of the occupancy *raiyat* is not high; but from that I do not for a moment ask you to come to the conclusion that the agriculturist's condition in Bengal is what it should be. Some of the members of this House have taken a good deal of interest in one of the problems which really makes the position of the agriculturist difficult. May I remind you—and when I do so, I trust that members of every section or group of this House will agree with me that the most pressing problems connected with the agriculturist and the evils from which the agriculturists of Bengal are suffering at the present time, are not so much due to rack-renting,—there is hardly any rack-renting of occupancy *raiyats;* there may be rack-renting of under-*raiyats* and *bargadars*—but these evils are amongst others (*a*) sub-infeudation, (*b*) fragmentation of holdings, (c) litigation—and with regard to this item I may remind the House that tinkering changes in the law add to litigation and make the position more difficult for all parties concerned, the *zamindars*, the tenure-holders and the *raiyats*, (*d*) limited credit from sources, rates, terms and purposes for which he should not get credit and no suitable arrangements for credit from sources, rates, terms and purposes for which he should get credit

and (*e*) my friends opposite know that very well that, if anything, one of the most potent causes of the difficulties of the agriculturists is want of remunerative employment and the sale of products of his labour at prices which he should get, if there were better arrangements for marketing. All these and other factors add to the difficulties of the agriculturists, but what I want to convey to the members of this House from the figures that I have distributed, is that the trouble is not due to rack-renting of occupancy *raiyats*. The members no doubt mean to work for the good of the agriculturists—I have not the slightest doubt about that, nor have I the slightest doubt that the *zamindars*, in spite of the harsh words that have been used against them, also realise that apart from the question of sympathy and fairplay, from motives purely of self-interest, it is necessary for them to look after the interest of the agriculturists: therefore let the *zamindars*, the tenure-holders, the *raiyats* and above all the members of this House, who represent in a representative capacity the people of Bengal, put their heads together and try for the amelioration of the condition of the agriculturists. But is this the time to discuss a question like this when the *zamindars* are unable to pay their land revenue, when the collection of their arrears are so unsatisfactory—as you will find from the Court of Wards' reports which are public property—is this the time when these arrears are so considerable, when the *raiyats* on account of low prices of jute and paddy are unable to pay their rents or even to buy their necessaries of life, to discuss such a question as this? No doubt there is a silver lining not only for the *raiyats* but for the tenure-holders and labouring classes that the price of food-stuffs is cheap; but as against that if the *raiyat* wants to buy a pair of *dhoties*, if he wants to buy his kerosene oil, he may not have the money to do so. He cannot pay his *mahajan* and his *mahajan* may be suing him for non-payment, and, again, if he cannot pay his *zamindar* within 3 years and 11 months, his *zamindar* may be suing him to save limitation. So this is not the time, if I may say so without impropriety, when a question of petty importance like this under present conditions of the agriculturists and the *zamindars* should be discussed. It might have been a question, according to the views of some, of great importance in 1928; it may according to such views yet be a question of great importance—let me hope in 1935 when conditions will improve. But under present conditions it is not a question of paramount importance and it is with the idea of bringing important materials to the notice of the members of this House that I circulated the papers. Let me assure the House once more that there is no other motive behind it.

I will next deal with some of the immediate points raised by this resolution. The three points——

Mr. H. S. SUHRAWARDY: Before the Hon'ble Member digresses from the statement, will he be pleased to point out in what respect Mr. J. L. Bannerjee misquoted the figures which he put forward?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, I will do so and I have got them noted somewhere. But I see I cannot readily find them from my notes. Will Mr. J. L. Bannerjee kindly remind me so that it may save time?

Mr. PRESIDENT: He referred to transfers of holdings under section 26B.

The Hon'ble Sir PROVASH CHUNDER MITTER: Thank you, Sir, thank you, I have got them now.

Perhaps Mr. Bannerjee was referring to the total consideration of sales under section 26B. It is Rs. 1,60,89,450 and the consideration of sales in respect of which pre-emption was exercised, was Rs. 1,21,983. Well, Rs. 1,60,00,000 represents the value of the total quantity of land that was sold. The first item was Rs. 1,10,362 representing the total number of sales under section 26B. Therefore, this Rs. 1,60,00,000 represents, as I said, the total value of land that was sold; this is the figure of a year of economic depression. If we examine the figures in the Tenancy Bill files—if we look to the figures of, say, 1925, we will naturally find it to be at least 4 or 5 times that amount. Therefore, my proposition is this: that this figure shows the total transaction for the year of the sale of occupancy rights; so I do not quite follow what was the point of Mr. Bannerjee. From this figure I showed that 20 per cent. of the total—it may be somewhere about Rs. 32,00,000 that year or, say, Rs. 40,00,000 or whatever it may be in other years—20 per cent. of the total consideration money represents the total amount of landlord's fee, and I do not quite follow the point of Mr. Bannerjee.

Babu JITENDRALAL BANNERJEE: My contention was that the figures supported my argument and the fresh figures now given by the Hon'ble Member have strengthened my point. My contention is that, by instituting this section you are making, even in a year of economic depression, an annual present of Rs. 32,00,000 to the landlords and the landholders ought to make a statute of gold of Sir P. C. Mitter for that!

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not certainly want any statute of gold from the landlords. But I hope that before I die, I may have a clear conscience that I tried to do my duty to all concerned. I may tell Mr. Bannerjee that although he is a landlord of Birbhum, yet if he can do his duty to the *raiyats*, I, who happen to be a small landlord, also may claim to be able to do my duty to all concerned including *raiyats* and landlords. If Mr. Bannerjee examines the figures of what was the usual figure for these transactions and what the *zamindars* realised before the Act of 1928 was passed, he will find—I speak from memory of discussions in the Bengal Legislative Council of 1928—that, if anything,

the landlords used to get even in those days something between Rs. 80,00,000 to Rs. 1,00,00,000 as transfer fees, possibly more. There perhaps the *zamindars* can justly complain that their income on this head has been seriously reduced. Again, speaking from memory, in a district like Mymensingh, it was not unoften that the transfer fee (certain figures were mentioned during the discussion of 1928 when I was piloting the Bill, a Bill for which I was not responsible, but which I had the privilege of piloting, for it was prepared long before I took charge of my office), where the landlords' transfer fees amounted from 50 to 75 per cent. and the reason was pretty obvious, *e.g.*, the high value of jute. From settlement reports and other papers it is found that the *raiyats* of Mymensingh in normal times often got more than Rs. 5,00,00,000 from jute alone—a commodity for which there could be no enhancement of rent, because section 30 provides that the value of staple food crops and not other crops were to be taken into account. When land is sold at the instance of a *zamindar* or a money-lender, a *raiyat* who is anxious to get land pays a heavy *salami* to perfect his title. This he pays not only to the *zamindar* but also to many of his underlings, and you perhaps know that very well. So it is a wrong conclusion to come to, that we are making a present of Rs. 32,00,000 to the landlords seeing that they had been getting, before the Act of 1928 was passed, very much more than Rs. 32,00,000. There is one other matter——

Mr. H. S. SUHRAWARDY: Sir, if the price of staple commodities has come down by one-fifth why not put the charge at 6 per cent. which would represent the proportion of rent to the production and make it equivalent to 30 per cent. so that the rent would be really equivalent to 30 per cent. and would not, therefore, the figures be somewhat misleading?

The Hon'ble Sir PROVASH CHUNDER MITTER: That is a very pertinent question. Khan Bahadur Momin also made that point. The figures, as I have said, are figures of normal times. It is perfectly true that if the prices of commodities go down under certain conditions and the Bengal Tenancy Act provides for it, the rent can be reduced. The occupancy *raiyat* under the Tenancy Act of 1885 and of 1928 has certain definite rights and his rent cannot be enhanced because the prices have suddenly risen. If the high price remains, say, for five years, then only can the rent be increased for "the price of a decennial period" has to be taken into account.

Mr. H. S. SUHRAWARDY: I am afraid the Hon'ble Member is misquoting the law on the subject, for as far as we know, the rent can also be decreased on account of high prices.

The Hon'ble Sir PROVASH CHUNDER MITTER: I may be under an erroneous impression, but with utmost respect to Mr. Suhrawardy I may say that possibly because he concentrates more on the original side he has perhaps overlooked the legal position in a piece of *mufassal* legislation. If he reads sections 30 and 38 of the Act, he will find that these two sections have a different wording. There is a difference between the meanings of sections 30 and 38 which is well-known to every munsif court pleader.

Section 30 is the governing section for enhancement of rent. Clause (*b*) of this section relates to landlords increasing their rent on account of rise in prices; it says "that there has been a rise in the average local prices of staple food crops during the currency of the present rent". Now, an occupancy *raiyat's* rent can only be enhanced by a court or by contract once in 15 years. If within these 15 years, say, for three or five years, there have been high prices, and supposing an enhancement suit has been decreed, say, in 1927, the next suit can only be instituted in 1942 and within this period, the period of low prices or high prices can be taken into account, but the law does not say that because prices have risen, the landlord can institute a suit every year.

Now let us come to section 38. It is quite different It deals with reduction of rent, and as Mr. Majid Baksh has pointed out and quite rightly pointed out, there is a difference in the language of section 38 as compared with section 30. Section 38 says: "on the ground that there has been a fall not due to a temporary cause in the average local prices of staple food crops during the currency of the present rent". That is the difference, Sir, "not due to a temporary cause," etc. In the case of the landlord the other section says that you have to take a period. Those who are familiar with settlement work know better than I do about this, and here the authors of the legislation safeguarded the interest of the *raiyat*. I am willing to examine the matter if you bring more materials

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Mr. PRESIDENT: May I intervene at this stage? There are three important points involved in this. Other things are absolutely irrelevant, and I think this particular question should not be discussed and the matter prolonged.

The Hon'ble Sir PROVASH CHUNDER MITTER: That is so, but I wanted to make it clear to those who asked for more information and I had to take more time than I intended to meet the general points raised. I intended to come to the specific points long before this.

Mr. PRESIDENT: Would you take long, Sir Provash? I would like to adjourn the House for prayer.

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, Sir; I shall take a little more time to deal with these specific points.

Mr. PRESIDENT: The Council stands adjourned for fifteen minutes for prayer.

(After adjournment.)

The Hon'ble Sir PROVASH CHUNDER MITTER: The three points which are raised directly by the resolution are repeal of the provision of transfer fee, repeal of the provision of pre-emption and repeal of the provision of enhancement of rent. Sir, these points I would like to take up in the reverse order because in my humble judgment the point about enhancement of rent is most important from the point of view of the tenant as also from the point of view of the landlord. With regard to enhancement, I would point out to both sections of the House that the effect of the repeal of section 30 will be exactly contrary to what is intended. Section 30 is intended for limitation of the landlord's power of enhancement and is not intended to give him additional powers. If section 30 were repealed, then it would mean that there would be no bar to any reasonable amount of enhancement. The landlord could then apply to the court and use the argument that for a particular tenancy

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(Here the Hon'ble Member reached his time-limit, but was given leave by the Hon'ble President to continue his speech.)

in which the *raiyat* owns so many *bighas* of land and from which his gross profit even in these days of economic depression is, say, Rs. 200 or so, the fair rent should be one-sixth or one-fifth of the gross profit and on a very reasonable basis can claim ten per cent. of the gross profit. That ten per cent. may be much in excess of what he is paying. For example, if section 30 were altogether repealed, the *zamindar* could say, well these are jute lands and, therefore, specially valuable. Section 30 limits the landlord to staple food crops. In the district of Mymensingh, according to settlement report and other papers, in one particular year the value of jute was Rs. 5,00,00,000, and although the *raiyat* got the full benefit of that, the *zamindar* because of section 30 could not get the benefit because jute was not a staple food crop. Section 30 says on these grounds and no other can you increase the rent. Now taking section 30 along with other sections of the Act, it will be seen that the previous rent is to be presumed as fair and equitable, and only once in 15 years can the *zamindar* raise the rent and that again within the limits as provided by section 30. Therefore, it would not be wise even from the point of view of the occupancy *raiyat* to repeal section 30.

Then supposing that the intention is that section 30 be repealed, and some provision made by which occupancy *raiyats* will all become *mokrari* tenants. I am making a reference to this point because some of the

esteemed members have referred to it, namely, that if the *zamindars'* land revenue is to remain fixed for ever, why should not the occupancy *raiyat's* rent be fixed at a particular rate for ever. This, I propose to show, will lead to rack-renting of the agricultural *raiyats* other than occupancy *raiyats* and gradually the occupancy *raiyats* will cease to be a cultivating *raiyat*. Before 1928, from settlement papers we know that the total rental of Bengal, if we added up the rentals of occupancy *raiyats*, was roughly Rs. 8,00,00,000, and if we added up the total rentals paid by the under-*raiyats* to the occupancy *raiyats*, we got another sum of Rs. 3,50,00,000. In other words to the extent of Rs. 3,50,00,000 the occupancy *raiyat* had ceased to cultivate and the under-*raiyat* who is generally rack-rented was the actual cultivator. Now I will tell you how this process goes on. Supposing a money-lender lends Rs. 50 or Rs. 100 to an agricultural *raiyat*, and subsequently buys the agricultural holding of the *raiyat*, and settles him as an under-*raiyat* or *bargadar*; the money-lender enjoys all the rights and privileges of an occupancy *raiyat* but is not a cultivator and the actual cultivator is the under-*raiyat* at a high rent. Therefore, if your intention is to make the occupancy *raiyat's* interests *makrari*, then unless you have other provisions in the Act by which the occupancy *raiyat* will not be able to sublet his land, you will have another class of rack-rented agriculturists. That class of agriculturists is unfortunately getting larger in number; about half of Rs. 8,00,00,000 of the rental represents the rental of that class of agriculturist, and by this time it is probably more as the rate of rent and number of the under-*raiyats* and *bargadars* have considerably increased. Take one of the districts at random, say, Bakarganj; there the occupancy *raiyat's* rent is about Rs. 4-9, and the under-*raiyats'* rent is Rs. 7-13 of the first grade and Rs. 9-14 of the second and the third grades. In many other districts, for example, in the district of Mymensingh, the under-*raiyat's* rent is Rs. 5 and the occupancy *raiyat's* rent is Rs. 2-12. But apart from that we know that the *bargadars* and *dhankararidars* often pay rent of Rs. 14 to Rs. 16 per acre. Therefore, protection against enhancement of rent of occupancy *raiyats* would not help the agriculturists as a class. It will lead to change of the position of the occupancy *raiyat* into that of a rent-receiver and create a larger number of under-*raiyats* and *bargadars* at rack rent. Therefore, from the point of view of agricultural prosperity, it would be unwise to repeal section 30. From the figures that I have given it will be seen that the trouble with the occupancy *raiyat* is not rack-renting, but the trouble is in other directions. With regard to one of the difficulties, I am glad to find that the members of the *Praja* party are quite alive. If you repeal the provision about enhancement, it would not help you. I could have gone more fully into the question, but I do not think it necessary. I may mention in passing that you cannot pick and choose between different items of amendment of the Act of 1928. Some of these items are favourable to *raiyats*; others,

while not being unfavourable to *raiyats*, gave certain facilities to *zamindars*. Members of this House who were members of the Council in 1928 will remember the history of the Bengal Tenancy Act. There was Sir John Kerr's Committee of 1921 appointed as a result of a resolution moved by Babu Vishmadeb Das, a member of the backward classes. That committee had landlords, *raiyats'* friends and tenure-holders' friends, officials and others on it. The recommendations of that committee were examined by Government and the opinion of public bodies and of their officers was taken. Then the Bill was drafted. That Bill was presented before a Select Committee and in the Select Committee I had the privilege of serving as a non-official. In that Select Committee, there were representatives of landlords and friends of agriculturists and tenure-holders. On some points there was agreement and on others there was difference of opinion. Khan Bahadur Momin will recall that after the Select Committee's report was published, an official committee was appointed with Sir Naliniranjan Chatterjea and Mr. Sachse and some others and their opinion was sought on certain points. Then came the Bill itself and quite apart from the question of landlord's transfer fee or pre-emption the general scope of the Bill gave the tenants certain privileges. Some of these privileges were very valuable from the point of view of the poorest class of agriculturists, namely, the under-*raiyats*. These privileges were for the first time given to the under-*raiyats* under the Act of 1928. Similarly valuable privileges were given to occupancy *raiyats*. For example, certain rights of construction of *pucca* structures and digging of tanks and various other concessions, as members of this House will remember, were formally agreed to by the Act of 1928. On various points there were concessions in favour of the agriculturists, and there were concessions as well in favour of the landlord. Will it be wise, therefore, to try to rip up these settlements made so recently and particularly at a time when very soon you will have provincial autonomy? Whoever may be in power, Hindus or Muhammadans, will it not be very much better for the Minister under the new constitution to examine the whole problem fairly and then deal with it? After all, even if you pass this resolution and if Government, responsive as it always is to the opinion of this House (Question, question)—I know some members will question this, but I agree to differ from them and I claim what we claim to be—accepts that opinion, is there any chance of an amending Act being passed within the short period at our disposal? Therefore I would ask you to pay attention to this aspect as well. I can quite understand that one section of the House is merely putting forward their view point, but I can tell the House that this is not the proper time to take this question. There are only two other points, one is about the provision regarding pre-emption and the other is about landlords' transfer fees.

About pre-emption the reason why I circulated those papers was to show that whatever its good or evil effects may be, as a matter of fact

much use was not made of it and that in spite of the controversy raised, it is not an important point. There may be a variety of reasons why much use was not made of it, but we are not concerned with those reasons. I had certain doubts about the provision for pre-emption when the Bill was passed in 1928. As I have already observed, I was not responsible for the various provisions of the Bill, but I had to pilot it as a Government measure. In view of the controversy, I watched the operation of the rule of pre-emption with particular interest. Figures about pre-emption were collected year after year and I was considerably surprised to find that in spite of the controversy and acute difference of opinion, experience shows that this is not a point about which either the landlords or the tenants' friends need worry too much. I would mention, if you examine those figures, that you would find that the average price was Rs. 27 per *bigha* in 1931-32, a year of great economic depression. The average price was Rs. 37 per *bigha* in 1929-30. In spite of the economic depression, the average prices of occupancy lands are much higher than Rs. 37 or Rs. 27 per *bigha* in these two years, respectively. Then, again, the percentage of cases where the right of pre-emption was exercised was in fact infinitesimal. Further, the existence of the right of pre-emption is a safeguard for the *bona fide* agriculturist as well as a protection against a money-lender anxious to buy at a low price. There may be a case or two like the one mentioned by Khan Bahadur Maulvi Azizul Haque. If out of 1,10,000 transactions there was one such case, it does not go to show that there is any need for an amendment.

Now about landlords' transfer fee. I do not propose to take up the question either from the point of view of the friends of the *Praja* party or from the point of view of the landlords' party. In my opinion, it is not necessary to rake up the old history. Whoever may be the owner of the soil, whoever may be the proprietor of the land from 1793 onwards, all interests are creatures of statutes. In 1793 whatever the previous right of transfer of *zamindars* might have been and however nebulous such rights of transfer might have been, there is not the slightest doubt that by the Regulation of 1793 certain rights including that of transfer of *zamindary* interest, proprietorship of the soil, etc., were conferred on the *zamindar*. Such right of transfer and proprietorship of the soil was not extended to others. We are not concerned in this resolution with the good, bad or indifferent effects of the Permanent Settlement—that discussion may be deferred for some other suitable time. Then some time in 1812 by a regulation the right of transfer was first given to the tenure-holder and in 1819 a further right was given to the tenure-holder by the Patni Regulation. My friend, Mr. Momin, must remember well and other members like Mr. J. L. Bannerjee, Maulvi Tamizuddin Khan and Maulvi Syed Majid Baksh also know that until 1812 a tenure-holder could not transfer his right nor a landlord could create a permanent tenure even by documents. Then came the Acts of 1859 and 1869. By these

Acts certain rights were first conferred on a statutory basis to the *raiyat*, but the right of transfer of *raiyati* holding was not one of these rights. Whether the occupancy *raiyat* was the owner of the soil or mere tiller of the soil before 1793 does not arise, but what is important is to recall that in 1793 Government reserved certain rights of legislation for protection of tenants. Between 1793 and 1859 there was a long gap so far as the *raiyat* was concerned. From 1859 legislation after legislation was passed for the protection of the *raiyat*. In 1885 the right of transfer of tenure-holders' interest was more specifically provided, but there was no provision for right of transfer of the occupancy *raiyat*. The result was that whenever the occupancy *raiyat* transferred his holding, it resulted in good deal of litigation, as my lawyer friends (I belong to that profession) know and the substance of both *zamindars* and *raiyats* was increasingly wasted in litigation. After a sale took place, the *zamindar*, if he was powerful enough, could put his finger in and get a considerable amount of *salami*. So is it not much better that there should be a certain definite provision? This I say quite apart from what has been discussed as to whether 20 per cent. was the result of a compromise or not. If you want the figures about percentage about which the controversy was raised, I could give them, but I advisedly did not place these figures—I have already taken a long time. You will find from the Revenue Department figures (and Khan Bahadur Abdul Momin will remember them) that the amount actually realised, say, in 1926-27, was several times larger than Rs. 32,00,000 or Rs. 42,00,000. It may be on account of the economic depression that there was a fall in the price, but I may remind this House that 25 per cent. was usual in many districts but in some districts it was very high, particularly in the Mymensingh district, on account of the value of jute—50 or 75 per cent. was sometimes realised. But that was not usual and even 30 to 35 per cent. was not unusual in some districts. However, whether the compromise as to percentage was forced down the throat of a minority by a majority it is not necessary to examine. The provision introducing a definite rate and authorising transfer was beneficial and stopped good deal of litigation. The question about percentage, if at all taken up, should be examined more dispassionately and after a fuller examination of the materials. If at all, such examination should be made when the new constitution comes into force. I have practically dealt with all the points. The question of percentage, I may observe, is not an important one.

In conclusion, I would once more appeal to both sections of the House to look at this problem, very difficult problem according to some, over which a controversy has been raging for years and arguments have gone on and being repeated by either side—the landlords merely from their point of view and the tenants from theirs—quite dispassionately and leave it to the representatives of the people working under the future constitution to solve. I appeal to members on both sides of the House

to bury the hatchet for the time being and I lastly appeal to Maulvi Tamizuddin Khan not to press this to a division. If he does, it will be the duty of Government to oppose it if not for any other reason but for the simple reason that Government as a result of very considered opinion have come to the conclusion that the important provisions of the Bengal Tenancy Act should not be touched lightly and I have also pointed out that this is not the time to amend the provisions of certain important sections of the Bengal Tenancy Act.

Maulvi TAMIZUDDIN KHAN: I very much appreciate the spirit in which the Hon'ble Member for Revenue has issued his last appeal and if I could agree with his proposal, I would surely have withdrawn my resolution. The reasons which he has advanced for withdrawing my resolution are not at all, to my mind, convincing. He has said that the time is very inopportune and that this is not the time when anything should be done which might create a class warfare indicating thereby that the tenants were eager for a class war.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I rise on a point of personal explanation? I never said that class warfare will begin at the instance of the tenants as it is a thing which can only be done by both sides.

Maulvi TAMIZUDDIN KHAN: I thought probably that was the insinuation, but I stand corrected and I quite appreciate his feeling that we should try our best to prevent the growth of a class warfare. There is no doubt about that. But if there is a disease, should we not make an attempt to cure it? Sir Provash Chunder Mitter would only apply a superficial remedy so that people may not know that there is a disease. What we want is to eradicate the disease, for otherwise the symptoms will come out one day, in such virulent form that it will be absolutely impossible for anybody to suppress. Therefore, we say if there is anything unjust in the land laws of Bengal, we should do our best to remove it. As I have already said in the beginning of my speech this is a time when the attention of all classes of people has been drawn to the plight of the agriculturists. If we are really anxious to do something for the tenants, should we not do that just now?

As regards the real point at issue, my hon'ble friend has tried to meet the arguments advanced from this side of the House from bottom upwards. First of all he has taken up the question of enhancement of rent. He has dealt with the matter purely from a technical point of view. He says if section 30 is repealed, tenants will be in difficult position and in a worse plight. My resolution does not say that section 30 should be repealed; on the other hand, my resolution is for the repeal of the provisions of the law which allow enhancement of the rents of tenants. I am sure the

ingenuity of the Hon'ble Sir Provash Chunder Mitter and the other members in the Treasury Bench will never fail them in giving practical shape to the ideas involved in the resolution and expressed on the floor of this House.

As regards the other provision regarding landlords' fee, I have not heard any argument on the floor of this House in its justification except that of custom and I think that argument of custom has been successfully refuted. Where was custom before 1793, the date of the birth of the landlord? It was after the Permanent Settlement that the landlords began to levy this exaction in spite of the opposition of tenants. In justice that can never be made the basis of a legislation justifying the landlord in demanding *salami* in the case of every transfer of an occupancy holding.

I do not like to waste the time of the Council any longer as the ideas underlying this resolution are well known to every member of this House. It is only a question of a change of heart on the part of those members of this House who in season and out of season declare that they are friends of the tenants. This resolution will be the test of that change of heart. If this resolution is not carried, I give a last warning to those members who will be responsible for the defeat of this resolution that they are courting a day that we shall all have to deplore.

The motion was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Nasaher.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Ezzatji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Gupta, Mr. J. N.
Kaikas, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Nawab Musharraf, Khan Bahadur.
Hossain, Maulvi Muhammad
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Nalinaksha Sohary.
Qunsem, Maulvi Abul.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Amulyadhan.
Raut, Babu Nagendra.
Saadatullah, Maulvi Muhammad.
Samad, Maulvi Abdus.
Sarkar, Rai Sahib Rebati Mohan.
Shah, Maulvi Abdul Hamid.
Suhrawardy, Mr. H. S.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Banerji, Rai Bahadur Keshab Chandra.
Blandy, Mr. E. R.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Coppinger, Major-General W. V.
Das, Rai Bahadur Satyendra Kumar.
Faruqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghose, Rai Bahadur Saroshi Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdulkarim.
Gilchrist, Mr. R. N.
Henderson, Mr. A. G. R.
Hooper, Mr. G. G.
Khan, Maulvi Aminuzzaman.
Law, Mr. Surendra Nath.
Lockhart, Mr. A. R. E.
Mitter, the Hon'ble Sir Provash Chunder.

Mitra, Babu Surat Chandra.
Mukhopadhaya, Rai Sahib Surat Chandra.
Nag, Babu Sak Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Philpot, Mr. H. C. V.
Poddar, Mr. Ananda Mohan.
Preston, the Hon'ble Mr. W. D. R.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Reid, Mr. R. N.
Roy, Babu Jitendra Nath.
Roy, Mr. Satiswar Singh.
Roy, Mr. Surat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Roy Choudhuri, Babu Nem Chandra.
Sahana, Babu Satya Kinkar.
Sen, Mr. B. R.
Sen, Rai Bahadur Jogesh Chandra.
Sen, Rai Sahib Akshoy Kumar.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan of Nashipur.
Stapleton, Mr. H. E.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 36 and the Noes 45, the motion was lost.

[It being 5 minutes to 7 of the clock]

Mr. PRESIDENT: As I intend to adjourn the Council punctually at 7 o'clock, I do not think it will serve any useful purpose to take up the next resolution, as the first business to-morrow after the presentation of the budget will be the special motion. If, however, there is any time left after that is finished, the next resolution on the agenda may be taken up.

Adjournment.

The Council then adojurned till 3 p.m. on Tuesday, the 21st February, 1933.

APPENDIX.

(Referred in the Hon'ble Sir P. C. Mitter's speech).

Statement of the proportion of occupancy raiyats' rent to average gross produce per acre.

District.	Average gross produce per acre.	Average rate of rent of occupancy *raiyat* per acre.	Approximate percentage of rent on value of produce.
	Rs.	Rs. a.	Per cent.
Bankura	47	1 12	4
Midnapore	48	3 2	6
Jessore	57	2 7	about 5
Khulna	60	3 6	5
Faridpur	50	2 9	5
Bakarganj	70	4 9	6
Dacca	60	2 13	about 5
Mymensingh	60	2 12	5
Rajshahi	55	3 5	6
Tippera	60	3 2	5
Noakhali	75	4 4	6

The average rate of rent of occupancy *raiyats* throughout the province is just over Rs. 3 per acre and the average value of produce is just over Rs. 60 per acre. This calculation does not take into account the letting value of homesteads and the produce of homestead lands attached thereto.

It is well known that according to the Hindu system Government was entitled to the one-sixth of the value of the produce and in Emperor Akbar's time to one-fifth. On the basis of the Hindu system 16·25 per cent. should be the rental, and on the basis adopted in Emperor Akbar's time, 20 per cent. should be the rental. Therefore the existing rent which is only 5 or 6 per cent. is an extremely moderate rate of rent.

Statement of rental and produce.

	Rs.
Total rental of occupancy raiyats ..	8 crores approximately.
(1) Total value of rice in normal times (Rs. 1,81,89,27,805 in 1928-29) ..	182 crores approximately.
(2) Total value of jute in normal times (1928)	48 crores approximately.
(3) Total value of other crops will be considerably above Rs. 20 crores, but for present purposes it may be taken to be as low as Rs. 20 crores ..	20 crores approximately.
	250 crores approximately.

The total value of agricultural produce in normal times is thus at least Rs. 250 crores and is likely to be considerably more.

The total rental of occupancy *raiyats* being about Rs. 8 crores, the percentage of rent to the total value of agricultural produce is about 3·2, taking the province as a whole.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 21st February, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 101 elected and nominated members.

STARRED QUESTION

(to which oral answer was given)

Simon Commission Report.

*9. **Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Government of this province has made the "special investigation" contemplated at page 41 of the Report of the Simon Commission, Volume I?

(*b*) If the answer to (*a*) is in the negative, what are the reasons for not doing so?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) and (*b*) The "special investigation" referred to in the Report of the Simon Commission, Volume I, page 41, was carried out by the Indian Franchise Committee, as recommended in the second volume of the Commission's Report, paragraph 80. The Indian Franchise Committee suggested that the Local Government should make a complete classification, and this classification, with a statement showing the grounds on which it was made, was published by the Local Government in their resolution No. 122-A.R., dated the 16th January, 1933.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Process-servers.

8. Maulvi SYED MAJID BAKSH: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the process-servers are entitled to the benefits of the Provident Fund like other officers of the department?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

(*c*) Are the Government considering the desirability of taking necessary steps in the matter?

(*d*) Is the Hon'ble Member aware that the process-servers get only Rs. 4 as pension?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): The Member is referred to the answers given in connection with similar questions by Maulvi Hassan Ali.

Process-servers.

9. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing separately for the years 1931-32—

(*i*) the number of process-servers in the districts of Bakarganj and Comilla who have been compelled to retire; and

(*ii*) the number of process-servers in the districts of Dacca and Mymensingh who have been granted extensions?

(*b*) Are the Government considering the desirability of providing the junior process-servers, discharged as a measure of retrenchment, in other districts where this is possible?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) A statement is laid on the table.

(*b*) No.

Statement referred to in the reply to unstarred question No. 9 (a).

	1931.	1932.
Number of process-servers who have been compelled to retire—		
Bakarganj	Nil	33
Comilla	Nil	33
Number of process-servers who have been granted extension—		
Dacca	25	28
Mymensingh	5	1

Process-servers.

10. Mr. K. C. RAY CHOWDHURY: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the district of Bakarganj—

(*i*) the names of the process-servers who have not been entrusted with the duty of service of processes during the last three years;

(*ii*) the number of process-servers who were all along present at the courts throughout the working days of the said year; and

(*iii*) the number of process-servers who have served more than one thousand processes in the last calendar year?

The Hon'ble Mr. W. D. R. PRENTICE: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 10 (*i*).

1. Chintaharan Somaddar.
2. Sital Chandra Kanjabilla.
3. Birendra Kumar Ghosh.
4. Fazle Karim.
5. Safiuddin Ahmed.
6. Abinash Chandra Aich.
7. Bhuban Mohan Ganguli.
8. Anukul Chandra De.

(*ii*) Eight.

(*iii*) None.

GOVERNMENT BUSINESS.

Budget of the Government of Bengal.

The Hon'ble Mr. J. A. WOODHEAD in presenting the budget for 1933-34, said—

On this the first occasion on which it is my privilege to present to the Legislative Council the budget estimates of Bengal I wish I were in the fortunate position of being able to announce such an improvement in our revenues as, combined with the economies effected, would have produced, if not a balanced budget, at least a real improvement in

our financial position. Unfortunately this is not so and before I turn to the details of the estimates I should like to review that position from some of its wider aspects.

The depression in trade and commerce which has held the world in its grip for the last three years still persists and the prices of primary products, except for a short period in August and September which raised false hopes of the dawn of an era of rising prices, have remained during 1932-33 at a level so low as to yield little profit to the producer. The staple primary products in Bengal are jute and rice. The prices of these articles are a fairly accurate barometer by which to measure the financial weather in Bengal indicating as they do the purchasing power of the people. If there is one thing certain in these days of uncertainty it is that the receipts from the main heads of provincial revenue will not, and cannot return to figures which before 1930 were looked upon as normal, until this purchasing power has improved, and improved very considerably, through an increase in prices. Jute is the chief money crop in Bengal. According to the index numbers of wholesale prices in Calcutta prepared by the Director General of Commercial Intelligence and Statistics the index number for the wholesale price of jute in August, 1932, was 51 as compared with 99 in August, 1929, a drop of nearly 50 per cent. These figures indicate only too clearly the decrease in the purchasing power of the Bengal cultivator. It can also be depicted in another way. The jute crop in Bengal for 1929, according to the final forecast, amounted to 8,729,570 bales and the average Calcutta price during that year was Rs. 11-2-7 a maund. Voluntary restriction has reduced the area under jute in the province from nearly three million acres in 1929 to just over 1,000,000 acres in 1932. The crop for the year 1932 according to the final forecast was 5,127,500 bales, and the average Calcutta price for the same year Rs. 5-3-11 a maund. On these figures the value of the crop in Bengal in 1929 was about 47¾ crores as compared with a value in 1932 of a little less than 13½ crores of rupees. The difference between the two figures does not, it is true, afford an entirely accurate guide to the loss to the Bengal cultivator, partly because the calculations have been based upon the average price in Calcutta and not in the markets at which the *raiyat* sells his jute and partly because another crop, though less profitable, is being grown on land formerly devoted to jute, it does however give an indication of the great decrease in purchasing power which the catastrophic fall in the price of jute has caused to the province in general and the cultivator in particular. The story is the same in regard to rice. The index figure for rice for December 1932 was 56 as compared with 124 for December, 1929, a fall of over 50 per cent. The value of the crop to the cultivator in the year 1931-32 has been estimated at 83 crores as compared with 171 crores in 1928-29, a decrease of 88 crores of rupees.

The value of these two crops alone to the people of this Presidency has fallen by approximately Rs. 122 crores. This is naturally reflected in our revenue and in view of the decreased purchasing power of the people it is not surprising that in spite of the increase in taxation to which the Council agreed in 1922-23, and the increase in registration fees imposed in 1925-26, the receipts from the five main heads of revenue, *viz.*, land-revenue, excise, stamps, forests and registration, have fallen from about Rs. 978 lakhs in 1928-29 to a figure which is actually less than the yield from those heads of revenue in the year 1921-22. Under these heads the revised figure for 1932-33 is about Rs. 774¼ lakhs and the budget figure for 1933-34 is nearly Rs. 785¾ lakhs as against the actuals for 1921-22 of approximately Rs. 803¼ lakhs. These are startling figures; to which I invite the particular attention of the House indicating as they do the extreme difficulty of the revenue position of the local Government created by the fall in prices of the staple agricultural products of the province. This however is not the whole story. The difficulty is aggravated by the fact that the main heads of revenue are inelastic. Land Revenue is for all practical purposes rigid; we might increase Excise and Stamp duties or Registration fees but to do so when the people have not the money to spend would probably reduce rather than increase receipts, while Forest revenue depends directly on the timber market which again is largely conditioned by the purchasing power of the people. In fact even in prosperous times it is doubtful if these heads are capable of yielding any substantial addition to provincial revenues. On this point, I believe, there is and can be no difference of opinion. The Statutory Commission examined the question carefully and recorded the view that "Stamps" is the only present source of revenue of which it could be said with some assurance that there is some margin of increase. In Bengal this margin was largely absorbed when stamp duties were increased in 1922-23 by approximately 50 per cent. Again as regards new sources of revenue we have the authority of the Percy Committee who found that such new sources as appear to be within the sphere of practical politics in the immediate future cannot be relied upon to yield any substantial early addition to provincial revenues.

Another important factor which has contributed in no small measure to the difficulty of our financial position is the additional expenditure thrown on the revenues of the province by the civil disobedience and terrorist movements. This expenditure, which is unavoidable if law and order are to be maintained, is incurred chiefly under the heads Jails, Police, Civil Works and Miscellaneous, but it must also affect, to an extent which is difficult to calculate, the expenditure under other major heads such as General Administration and Administration of Justice. It also affects expenditure in another

way and that is, it prevents—I am thinking particularly of the Police—economies being effected which might be possible if times were normal. In the year 1931-32, as was explained by Mr. Marr in his budget speech last year, the additional expenditure on this account amounted to 21½ lakhs of rupees. In the year 1932-33 this extra expenditure according to the revised estimate is more than double and stands at Rs. 47 lakhs and the budget of 1933-34 makes provision for a sum of nearly Rs. 53¾ lakhs. The total of these figures, Rs. 122¼ lakhs, represents the amount of the additional expenditure which the local Government have been and expect to be compelled to incur in connection with the civil disobedience and terrorist movements during the three years ending with 1933-34. If these movements subversive of law and order had not been a factor in the situation the accumulated deficit of the local Government by the end of the year 1933-34 would therefore have been less by this very considerable figure. It is more than unfortunate that when the revenue position demanded that every economy should be made, the promoters of anarchy should have involved the province in additional expenditure of this magnitude.

The report of the Retrenchment Committee, as the Council is aware, was received in November last and a memorandum has been circulated giving particulars of the action taken so far on their recommendations. I also hope to be in a position to circulate a supplementary memorandum before the session is over, giving particulars of decisions reached after the preparation of the memorandum which is now in the hands of members. The latter shows that the budget which I am now presenting does not allow for all these decisions. The reason for this is, I trust, obvious. The preparation of the budget is a task of considerable magnitude, and if its introduction on the date fixed is to be assured its preparation must proceed strictly in accordance with a carefully prepared time-table; for this reason decisions to reduce expenditure reached after a certain date cannot be incorporated in the estimates. It may be urged that it should have been possible for Government to have arrived at decisions on a larger number of the recommendations of the Committee, but I feel sure, particularly in view of the debate which took place on the Committee's recommendations during the last session, that the Council will recognise that many of the proposals for economy made by the Committee require most careful examination. They will also recognise that this examination must necessarily take time, particularly when in addition to the budget the departments of Government are dealing with an immense amount of work arising out of the prospective constitutional changes. The recommendations made by the Committee, if accepted *in toto*, would lead to an ultimate saving of Rs. 1,84,96,000, say one hundred and eighty five lakhs. The Committee themselves, however, recognise that some of these recommendations can only take effect gradually, and it would perhaps be of assistance

to the Council if I examine this figure of Rs. 185 lakhs from the point of view of the immediate savings which might accrue, if all the recommendations were adopted. My object in doing so is not to criticise in any way the work of the Committee but rather to illustrate the point, which they themselves recognise, that some of their proposals can only take effect gradually and will not produce an immediate substantial saving. The ultimate savings on account of proposals involving reductions in personnel have been roughly calculated at Rs. 78 lakhs. These retrenchments in personnel cannot however have full effect for many years for two reasons which I shall now attempt to explain. The Committee have recommended that fairly liberal leave terms should be granted to discharged officers and have proposed that all leave due not exceeding 28 months should be granted to an officer prior to his final discharge. The amount of leave due to officers discharged will certainly vary, but if leave as proposed is granted the full effect of the saving is necessarily postponed for two years or so. Again, allowance has to be made for pensions and gratuities to discharged officers and in this connection the Committee have made recommendations for the liberalisation of the pension rules in their application to such officers. If the consequent pensionary charges—and I would remind the House that the Committee were careful to point out that in estimating the financial effect of their proposals they had not taken into account the pensionary and other charges on account of compulsory premature retirements—if these charges are estimated at the conservative figure of 30 lakhs, the resultant saving on account of the proposed reductions in personnel is reduced to 48 lakhs. Again the Committee estimated that the reductions in the scales of pay of the services which they had proposed would give an ultimate saving of about 48 lakhs. The reduced scales of pay will apply to personnel appointed after the 21st July, 1931, and the saving of 48 lakhs will not therefore accrue in full for at least 25 years. As the saving depends on the number of officers recruited, which in view of retrenchment will be smaller than usual, the immediate benefit to our financial position cannot but be comparatively small. I wish also to remind the Council that Government have anticipated so far as the services under their control are concerned the proposals of the Retrenchment Committee in regard to reductions in pay. In 1931 a cut of 15 per cent. was imposed on the pay of officers in the provincial and subordinate services drawing more than Rs. 80 a month who were appointed after the 31st July, 1931. The introduction of the reduced scales of pay will therefore not be an entirely new measure of retrenchment, but for the greater part confirmatory of the action already taken. These two items of Rs. 78 lakhs and Rs. 48 lakhs give a total of Rs. 126 lakhs, and I think it is clear from what I have said that the immediate relief given by the proposals covered by this figure of Rs. 126 lakhs will be relatively small. If this amount of Rs. 126 lakhs be deducted from the total estimated saving of nearly Rs. 185 lakhs, the balance

amounts to the much smaller figure of approximately Rs. 59 lakhs, and that only if the Committee's recommendations are accepted as they stand.

The estimated expenditure from ordinary revenue in 1933-34 amounts to Rs. 11,32,24,000 say eleven crores and thirty-two lakhs of rupees. A comparison of this figure with the actual expenditure incurred in previous years particularly in the years prior to 1930-31 appears to indicate that expenditure instead of decreasing, as would have been expected in view of the pressing need for economy, is actually on the increase. "Comparisons" as Mrs. Malaprop observed "are oderous"; and when we start comparing figures of different years we must first make sure that we are comparing similar figures. To get these certain adjustments have to be made; and it may be of assistance to those who make the budget their special study and also perhaps to a wider circle if I endeavour to indicate the adjustments which should be made in comparing our estimated expenditure in 1933-34 with that in previous years. I propose to take as the basis of comparison the figure of expenditure which the Government of India in 1921 accepted as that which with every economy was required to carry on the administration of the province, as it then existed, without any allowance for expansion of expenditure on transferred subjects. This was rupees ten crores and nine lakhs. In comparing the estimated expenditure in 1933-34 with this figure of rupees ten crores and nine lakhs adjustments amounting to over Rs. 106¾ lakhs have to be made. These adjustments are:—

	Lakhs.
(*a*) Interest on the accumulated deficit	20·29
(*b*) Cost of opium which since the year 1925-26 appears as an item of expenditure in our budget instead of being credited direct to the Government of India	5·20
(*c*) Expenditure from the proceeds of the tax on motor vehicles which is new from next year ...	5·00
(*d*) Expenditure from the Road Development Fund ...	8·64
(*e*) Additional expenditure in connection with the civil disobedience and terrorist movements ...	53·75
(*f*) Changes in classification; these amounts in 1921 were taken in reduction of expenditure but are now credited as receipts	13·98
	106·86

If this figure of over 106¾ lakhs is deducted from rupees eleven crores and thirty-two lakhs the comparable figure for the estimated

expenditure in 1933-34 becomes rupees ten crores twenty-five and one-quarter lakhs and the difference between this and rupees ten crores and nine lakhs is rupees 16¼ lakhs only. This figure represents therefore the amount by which for the purpose of comparison the estimated expenditure in 1933-34 exceeds the minimum accepted in 1921. I do not propose to comment at length on these figures, they speak, I hope, for themselves. They certainly do not disclose any sign of extravagance and perhaps it is of particular interest to note that the estimated expenditure (taking expenditure in India and England together) in 1933-34 on the beneficent departments of Education (Reserved and Transferred), Medical, Public Health, Agriculture, and Industries exceeds the actual expenditure on those departments in 1921-22 by Rs. 31¾ lakhs, a figure considerably in excess of that of Rs. 16¼ lakhs, the amount by which, as I have just stated, the estimated expenditure in 1933-34 exceeds the minimum accepted twelve years ago.

I now turn to the details of the estimates. As in the past I shall endeavour to confine myself to the salient features but if any member requires further information on any point which he cannot find in the estimates themselves or in the financial statement, which accompanies them, both Mr. Blandy and myself will be pleased to see him either here or in Writers' Buildings while my colleagues will be glad to assist in respect of the departments under their several charges.

The year 1931-32 opened with a balance of Rs. 39,67,000 and, when at about this time last year the revised estimate was framed, revenue receipts were estimated at Rs. 9,07,39,000 and the receipts on capital account, exclusive of the advance to be taken to cover the deficit, at Rs. 55,76,000. Against the total receipts of Rs. 10,02,82,000, inclusive of the opening balance, it was proposed to spend Rs. 11,91,28,000. The actual receipts of Rs. 9,95,90,000 fell short of anticipation by Rs. 6,92,000 while the actual expenditure of Rs. 11,73,34,000 gave a saving of Rs. 17,94,000 as compared with the revised estimate. The net result was that after providing for a closing balance of Rs. 13,56,000 inclusive of Rs. 12,78,000 for the Famine Relief Fund the deficit on the year stood at Rs. 1,91,00,000, an improvement of Rs. 18,94,000 over the figure anticipated in the revised estimates.

When the estimates for the current year were prepared about a year ago it was hoped that conditions would improve to some extent and the estimates provided for a modest improvement in revenue over the revised estimate for 1931-32. The revised estimates do show a slight improvement but it is very slight and much less than we hoped a year ago. In fact almost all the revenue heads show a lower yield in the revised than in the budget estimate for the year, and our receipts on revenue account are now expected to be lower by Rs. 28,41,000 than we anticipated: they would have been worse

still but for a windfall Rs. 12 lakhs under Stamps, and the collections under the Motor Vehicles Tax Act, which have proved heavier than we originally estimated. The only noticeable items on capital account are larger receipts from the Central Road Development Fund and better recoveries on account of loans to local bodies and agriculturists. The total expenditure in the current year on revenue account is expected to be Rs. 10,83,06,000 against the budget estimate of Rs. 11,12,20,000, which, as the Council will remember, was supplemented to meet extra expenditure on account of the terrorist movement by additional grants totalling Rs. 5,74,000 under the heads "Police," "Civil Works" and "Miscellaneous." If members of the Council will glance at the figures in the table at the beginning of the financial statement, they will notice that under almost all the heads the revised estimate is lower and in some cases considerably lower than the budget: the exceptions are "Police," "Superannuation," "Miscellaneous" and "Expenditure in England," brief details of which are given in the relevant paragraphs to which I invite members of the Council to refer. The decreases under the remaining heads are mainly due to the economies which Government have enforced upon all departments. The important variations on capital account are due to smaller expenditure than anticipated out of the Central Road Development Fund and smaller advances to agriculturists than a year ago we expected to have to make.

The net result as regards the current year is that we now expect to close with a deficit of Rs. 1,37,49,000 instead of Rs. 1,59,51,000, as originally estimated. I should, however, point out that this is brought about by the windfall to which I have already referred and by the fact that we are holding the balance of the amounts received from the Central Road Development Fund and the collections under the Motor Vehicles Tax Act. These are liabilities which we shall have to meet in the future.

I now turn to the coming year. The Council will find explanations of the chief variations in the financial statement, and I shall only deal briefly with a few points. As regards receipts on revenue account, the total provides for a small increase of Rs. 3,30,000 only, but there would have been actually a decrease but for a second windfall which we hope to obtain under Stamps on account of probate duty.

As regards expenditure, the estimate provides for the emergency cut in pay at the rate of 10 per cent. for one month and its continuation at the reduced rate of 5 per cent. for the remaining eleven months of the year. This reduction in the cut accounts for about Rs. 17 lakhs out of the actual increase on revenue account of Rs. 49,18,000, as compared with the revised estimate for 1932-33. Of the balance Rs. 32,18,000, Rs. 32,11,000 is explained in the statement which I have had appended to the printed copy of this speech. The Council

will notice that it is spread over a large number of budget heads, but that the heaviest items are the increased interest on our overdrafts and the distribution of amounts collected under the Motor Vehicles Tax Act, as well as the extra expenditure to which I have already referred as necessitated by the terrorist movement. The enforced economies of the last three years have resulted in an increased provision for the coming year on account of repairs, etc., in the Public Works and Forests budgets, while the Council will probably be glad to see that provision has been made for the partial introduction of the Primary Education Act as well as for certain measures under the Industries Department which aim at ultimately producing employment for *bhadralok* young men. Provision has also been made for increasing the grant for quinine from the normal figure of Rs. 1,00,000 to Rs. 2,00,000. It will be seen that this increase is balanced by Rs. 1,00,000 on the receipt side under "XXV—Industries." The decision to make the increased provision was the outcome of the great increase in the stocks of quinine held by the Cinchona Department. Instead of increasing godown accommodation or allowing the quinine content of the bark on the trees to be wasted Government have decided to increase the normal grant of quinine to dispensaries and also to experiment with the free distribution of quinine tablets in selected thanas.

There is perhaps another point to which I should draw attention. No provision has been made in the General Administration budget for general elections to the Indian and Provincial legislatures. As the Council is aware, every endeavour is being made by the authorities in India and the United Kingdom to press on with the scheme for constitutional reform. The position is still however indefinite, and many matters await decision upon some of which the framing of an even approximate estimate of the cost of a general election must depend. In the circumstances Government have thought it better to make no provision at present.

The Council will perhaps have noticed that, while we estimate this year the net collection under the Motor Vehicles Tax Act at about Rs. 11 lakhs, provision has only been made in the budget for a distribution of five. The reason for this is that Government at present do not anticipate that it will be possible for the schemes on which the money is to be spent to be examined and approved in time for the whole amount collected to be spent during the coming financial year. If however sufficient progress is made with the schemes to make it reasonably probable that more than Rs. 5 lakhs will be spent in 1933-34, a supplementary grant will be taken later in the year to cover the programme.

Turning to the capital items I do not think that I need do more than draw attention to the new provision under "60-B—Commuted value of

pensions" and the increased provision under "Loans and advances by the Government of Bengal." The former is a new head in the provincial budget, as hitherto we have met the charges on account of commuted value of pensions out of revenue, but in view of the difficult revenue position Government have decided to follow the system adopted by most other provinces and to meet the charges from Loan Funds. The increase under the latter is, as explained in the Financial Statement, due to loans to the Commissioners of the new and old Howrah Bridges.

The anticipated net result of the working of the coming year is, I regret to say, another overdraft to the amount of Rs. 1,95 lakhs.

The picture of the financial position of the province disclosed by the revised and budget estimates is most distressing, and if the future held out no hopes of a revision of the existing financial settlement, which all of us have always held to have been grossly unjust to Bengal, naturally and actually one of the richest provinces in India, the financial outlook—and not only the financial but the political outlook as well—would be black indeed. On the one hand, we are faced with a yield from our principal heads of revenue which shows a fall of over Rs. 192 lakhs or nearly 20 per cent. as compared with the receipts of 1928-29, and is actually lower than that of the year 1921-22. On the other, we have additional expenditure, which in 1933-34 is estimated at over half a crore of rupees, on measures required to deal with the civil disobedience and terrorist movements. The prospects of an improvement in revenue depend almost entirely upon a substantial improvement in the prices obtainable for the staple crops of the province. Of the latter I see few, if any, real indications at present and therefore little hope of an early improvement in the yield of our existing sources of revenue. No Government can contemplate with equanimity deficits, particularly of the relative magnitude of the present deficits in Bengal; and if the province were faced with the continuance of existing conditions—and within this term I include the existing financial arrangements—retrenchment of the most ruthless character on both the reserved and transferred sides of the budget would be unavoidable. Retrenchment of this nature would be disastrous to the welfare of the province, because it could not be effected without a permanent impairment of administrative efficiency accompanied by a drastic reduction in the present inadequate amount devoted to what are called the nation-building departments. Fortunately, we have good ground for hoping, not only hoping but expecting, that the injustice done to Bengal by the "Meston" Settlement will be redressed by the financial arrangements under the new constitution. The ground for this expectation lies in the findings and recommendations of the Federal Finance Committee of the Third Round Table Conference,

accepted, as they have been, by the Conference itself. I cannot perhaps do better than quote paragraph 13 of the Report of that Committee:—

"In the case of Bengal, we recognise that the difficulties arising from the present distribution of resources are exceptional, and we suggest that they might perhaps be met by according to the province some share in the revenue from jute. We make no definite proposal as to the form which this share should take, as the question requires technical examination. A suggestion, however, which appears to some of us to afford a possible expedient, is that the export duty on manufactured jute might be removed, and a central excise on such jute imposed, to be distributed to the provinces in which it is levied. A device of this kind would apparently overcome the serious difficulties likely to arise from giving any authority other than the Federal Government the power to impose export duties, or providing that a portion of the proceeds of any export duty should be assigned to a province. The delegates from Bengal, however, view this suggestion with strong disfavour. They consider that the deficit position of Bengal should properly be remedied out of the export duty on jute, which is practically a monopoly of the province. In their view, the whole proceeds of that duty should be allotted to the province, though, for the period of X years defined above, half the proceeds might be given to the Federal Government."

I have quoted that paragraph in full and my justification for doing so is its supreme importance to Bengal. For twelve years Bengal has unanimously protested against the injustice of the Financial Settlement of 1921, commonly referred to as the "Meston" Settlement. Her protests have at last been successful, and we welcome the conclusion arrived at by the Federal Finance Committee and accepted by the Round Table Conference that, in the case of Bengal, the difficulties arising from the present distribution of resources are exceptional; in other words, that the present financial settlement is inequitable. We have also for years laid a claim to the proceeds of the export duty on jute, and as the Council is aware, the local Government, in the representation they made to the Government of India and the Secretary of State on the report of the Percy Committee, pressed most strongly the claim that, in principle, the export duty on jute should be classed as a provincial source of revenue. Here, also, the justice of our case has been admitted, and we welcome the recognition that Bengal has a valid claim in respect of revenue from jute, as evidenced by the recommendation that she should be given some share in it. We have made a great advance; Bengal's united efforts have been successful in convincing the Round Table Conference that her present financial settlement is inequitable and that her claim to the revenue from jute is just, and I feel sure I shall be acting in accordance with the wishes of the Council and the people of Bengal if I take this

opportunity of placing on record Bengal's appreciation of the services rendered to the province by her delegates at the three sessions of the Round Table Conference. Although Bengal's case has made a great advance, the local Government realize and realise fully that every effort must be made to ensure that the financial arrangements under the new Reforms redress completely and not partially the injustice from which Bengal has suffered under the "Meston" Settlement. The local Government have communicated their views on the report of the Federal Finance Committee of the Third Round Table Conference to the Government of India and the Secretary of State, and I hope the Council will bear with me while I indicate as briefly as the case will permit the main points taken in that communication.

An essential feature of the scheme outlined by the Sub-Committee of the Second Round Table Conference presided over by Lord Peel was the transfer to the provinces of almost the whole of the proceeds of taxes on income (other than Corporation tax), combined with contributions out of those proceeds by the provinces to the Federal Government for a limited period in order to meet the deficit at the centre resulting from their transfer to the provinces. The Committee of the Third Round Table Conference were impressed with the view that it would be impossible to ensure solvency and financial stability at the centre unless a portion of the proceeds of taxes on income were allocated as a permanent measure to the Federal Government, and, in modification of the scheme put forward by the "Peel" Sub-Committee, proposed a two-fold division of the proceeds of taxes on income into shares which would be assigned, as a permanent constitutional arrangement, to the Federal Government and the Provinces respectively. Further, in place of the contributions from the provinces, they suggested that, out of the provincial share of the proceeds of taxes on income, a "block amount" should be retained by the Federal Government for a period of years. Agreement was, however, not reached between the representatives of British India and of the States in regard to the share to be assigned as a permanent measure to the centre or as to the period during which the "block amount" should be retained by the Federal Government. The Government of Bengal have accepted the scheme for a two-fold division of the proceeds of taxes on income, but have urged that the amount to be reserved to the Centre should be as small as financial considerations permit and that the period for the retention of the "block amount" should be as short as possible. The "block amount" will be determined shortly before the inauguration of the new constitution, and although for this reason it has not been possible to offer any opinion on its actual figure, the local Government have stressed the importance, if injustice to the industrial provinces is to be avoided, of ensuring that at the outset a substantial portion of the proceeds from taxes on income is left for distribution to the provinces. The

delegates from Bengal and Bombay were emphatic that the "block amount" should not be distributed among the provinces in proportion to their shares in the income-tax. This objection was taken by this Government in their observations on the Percy Committee's scheme, and we have once again protested against this inequitable system of distribution. We maintain that the assessment of the contributions by the individual provinces in proportion to their shares of the income-tax, is unsound in theory and unfair in practice. In our view the contributions should be based upon the total revenues of each unit, determined on a comparable basis, as has been proposed in regard to the emergency contributions.

In regard to the jute export duty, we have not repeated the main arguments which we advanced in dealing with the Percy Committee's report for we consider that the proceedings of the Third Round Table Conference show that we have been successful in establishing our case that in principle the export duty should be a provincial source of revenue. We have, however, dealt with certain points arising out of those proceedings. We have protested against the retention of any part of the export duty on jute as a federal source of revenue on the ground that it involves differential taxation of the inhabitants of Bengal and the other two jute-producing provinces in favour of the rest of India. In this connection we have pointed out that, if the proposal at issue were the imposition for the first time of an export duty on jute for federal purposes, there is little doubt that it would be summarily rejected on the ground that it would place an inequitable burden on the inhabitants of those areas which enjoy a monopoly of jute production. In our view, if it would be inequitable to introduce under a Federation an export duty on jute for the benefit of federal revenues, it is equally inequitable to allocate to the centre a duty already in existence and, in particular, a duty which was imposed and appropriated to the centre under the exceptional conditions of the war period and at a time when the constitutional position was one in accordance with which the revenues of India, whether spent for central or provincial purposes, were treated as one unit completely at the disposal of the Government of India.

The Committee's report in dealing with the allocation to Bengal of some share in the revenue from jute mentions the serious difficulties likely to arise from giving any authority other than the Federal Government the power to impose export duties or providing that a portion of the proceeds of any export duty should be assigned to a province We do not appreciate these difficulties. In the first place, we have always recognised—and in fact this is what we proposed—that the power to impose the jute export duty should rest with the Federal Government and not with the local Government. Further, this proposal is in accordance with the scheme of the Percy Committee, accepted

as it has been by the Round Table Conference, according to which the power to impose certain taxes for the benefit of the units should rest with the federal legislature. In the second place, although the Committee have not specified the difficulty likely to arise from giving a province a share in an export duty, we fail to see how the adoption of the device—and it is really only a device—of substituting for the existing export duty on jute manufactures a Central excise, which in effect, if not in name, will still be a duty on exports, can afford any solution of the difficulty felt by some members of the Committee. It may be that the difficulty refers to the loss of revenue to the Federal Government; if that be so, we are not prepared to admit that such a loss of revenue is any justification for allocating the jute duty as a federal source of revenue, although, as we stated when commenting on the report of the Percy Committee, we recognise that, as in the case of income-tax, the financial exigencies of the centre may necessitate for a strictly limited period, a special subvention to the centre, by the jute-producing provinces. Again, it may be that the difficulty is the purely theoretical one, that export duties cannot be treated differently from import duties, and that as import duties must be a federal source of revenue, so also must export duties. We do not agree. Import duties have been set apart in all Federations as a source of federal revenue mainly because it is impossible to attribute the receipts from such duties to any particular unit of the Federation. In regard to the export duty on jute this is not so. Jute and jute manufactures are, for all practical purposes, a monopoly of Bengal and small areas in Bihar and Orissa and Assam, and there is therefore no difficulty in determining the geographical areas to which the receipts from the export duty should be attributed. Again, it can be argued and argued with great force that, as in the United States of America, export duties should not in a Federation be a source of federal revenue because of the danger of the imposition of differential taxation on the inhabitants of certain parts of the Federation in favour of the rest. An export duty on an article which enjoys an assured market and is produced in a strictly limited geographical area, imposed centrally for the benefit of that area, stands however on an entirely different footing. We see no reason therefore why the proceeds of such an export duty should not be treated differently from an import duty.

When the local Government expressed their views on the report of the Percy Committee they raised the important question whether the new provincial Government should be saddled with the burden of current overdrawals. We urged that they should not. We have again pressed this point. It has now been acknowledged that Bengal's difficulties are due to the present inequitable settlement and further it has been recognised that we have a valid claim in respect of the revenue from jute. It would seem to follow that appropriate steps should be taken to rectify the injustice of the past twelve years and to compensate

Bengal for the drain to which she has so long been subjected. We have not put forward any extravagant claim in this connection but have urged that the recoupment of the differences between receipts and expenditure on revenue account, which have been such a feature of the Bengal budget during these years of economic depression, political unrest, and severe curtailment of constructive services, would be a very modest form for that compensation to take.

Our present financial position is not one to encourage feelings of optimism. But—and on this occasion it is a pleasant "but"—the findings and recommendations of the Third Round Table Conference in regard to our case warrant the conclusion that brighter times are ahead. The united efforts of the Government and the people of the province have succeeded in convincing the delegates to the Round Table Conference of the inequitable nature of the present financial settlement and of the justice of our claim to revenue from jute. The local Government will not relax their efforts to obtain what they consider Bengal can justly claim, and they hope that, assured as they are of the full support of all sections of the people of the province, they will be successful. If the present Government are able to obtain for the new provincial Government an equitable financial settlement which will enable the latter to go forward boldly in the path of social and economic progress without the bogey of imminent bankruptcy ever at their back, they will feel that the labours of the last twelve years have not been unrewarded.

Appendix.

	In lakhs of rupees.
Increased interest on overdrafts ...	7·91
Purchase of furniture and cost of book binding in Sub-registry offices ...	·10
Distribution of collections under the Motor Vehicles Tax Act ...	5·00
Expenditure in connection with terrorism under various heads	6·75
Spare parts of dredgers ...	3·00*
Public Health grants ...	1·79
Schemes under Industries of providing *bhadralok* employment ...	1·00
Increased repair grant under 41—Civil Works ...	1·42
Road and P. W. Cess for Government Estates ...	1·04
Colonisation of Sunderbans ...	·87

* This is a paper transaction, credit for a similar amount has been taken under XIII—Irrigation.

		In lakhs of rupees
Jails rearmament	...	·30
Stationery & Printing	...	1·54†
Forest maintenance and regeneration	...	·64
Agriculture & Co-operative Credit	...	·52‡
Education	...	·36§
Miscellaneous	...	·60‖
Superannuation	...	1·54
Expenditure in England	...	1·00¶
Replacement of unserviceable launches of the Forest and Marine Departments	...	·38
	...	36·75

From the above figure has to be deducted Rs. 4,04,000 on account of commuted value of pensions which, from the year 1933-34, will be financed out of loans instead of out of revenue.

Special Motion under Rule 78A.

Mr. S. M. BOSE: Sir, in moving this special motion, I must at the outset express my sense of indebtedness to the Government for granting me facilities for doing so at very short notice.

We are all aware of the stage now reached in the framing of the constitution for India and the provinces. The White Paper containing the views of His Majesty's Government thereon will be out in the first week of April, and then a Joint Select Committee is to be appointed by Parliament to examine the proposals therein contained, in consultation with representative Indians, who cannot for obvious reasons be members of the Parliamentary Committee. I draw attention to the speech in the House of Lords on the 9th February, 1933, by Lord Irwin. He stated that there had been no change in the intention of the successive Governments since 1927, that the consultation of the Indian representatives

† Out of this ·65 is a paper transaction, credit for a similar amount being taken under —Stationery and Printing.

‡ This is for an experiment in sugar extraction and provision of extra auditors of Co-operative Societies.

§ This includes recurring expenditure on account of the partial introduction of the Primary Education Scheme.

‖ This is for grants to the Muhammadan Orphanage and the Refuge in Calcutta and adjustment of arrear salaries.

¶ The increase is mainly under superannuation allowances to meet increased pensionary charges.

through the Joint Committee should be real and effective, that though the committee were masters of their procedure, the Government intended to put in motion the establishing of the committee in such a form as to permit the fullest consultation between the Indian and the members of Parliament. With regard to the method of selection of Indians, Lord Irwin stated that he understood that Sir Samuel Hoare was in consultation with the Viceroy about this matter, and doubtless the object would be to secure Indians as representative as possible, having regard to the necessity of limitation of numbers.

So the proposals of His Majesty's Government, before being laid before Parliament, are to be examined by a committee of both Houses who are to be advised by a representative body of Indians. These Indians, though they cannot be members of this committee, can effectively influence them by placing the Indian point of view on the proposals made by Government. This is a very valuable means of making Indian opinion felt. The fate of India, the fate of the provinces are going to be settled for good by the Joint Select Committee, for I have not the least doubt that their report will be embodied *in toto* in the Statute. It is of the utmost importance, therefore, that the Indians selected should be as representative as possible, so that they may effectively and fearlessly voice their country's opinion on the proposals made, and may be able to influence the Joint Committee.

I now come to the important question of a proper representation of Bengal before this committee. I need hardly remind the members that our province has a special importance, historically as well as politically, a special position, and special problems of its own. Bengal is a very important province; with an area of over 78,000 square miles, it has a population of fifty millions, as compared to Bombay with a population of 26 millions, Madras with 43 millions, and Punjab with 25 millions. Bengal has special problems of its own, unknown to any other province. It is mainly an agricultural province, with an interest different from that of a manufacturing country like Bombay. In matters of finance, in matters of taxation, the interest of Bengal may be very different from that of other provinces. I need not labour this point, but it is abundantly clear that it is essential for Bengal to be fully and capably represented before the Joint Committee.

It may be asked—why do I think that justice will not be done to Bengal? My answer is—look at the past treatment—rather ill-treatment that Bengal has received ever since the iniquitous Meston Award which has been so harmful to Bengal. It has been the prey of other provinces. Bengal has been the hewer of wood and drawer of water for all India. It has been milked dry to provide revenue for India. It has contributed nearly fifty crores of rupees to the Government of India in jute tax since it was imposed in 1916. Its just claim to a share of this tax has been persistently refused. It has been deprived of her legitimate share of

the income-tax. In 1929-30 Bengal had to pay to India a net sum of 213 lakhs from income-tax revenue, deducting refund.

I shall not dwell on this aspect of injustice done to Bengal. Now let me turn for a moment to another aspect of injustice—inequality of representation in the Round Table Conference. On the 20th July, 1931, I moved a special motion here, calling attention to the inadequacy of representation of Bengal at the Second Round Table Conference, and urging its claim to a larger representation therein. As I then pointed out, Bombay had 15 representatives, Madras 11, United Provinces 6, and Bengal had only 5.

I am, therefore, reluctantly forced to conclude from past history, that Bengal has been treated as the "Cinderilla" Province, a province to be "squeezed" when necessary, and to be neglected and ignored at other times.

The object of my resolution is to voice out united protest against this grave injustice. We have a right to demand that Bengal should be properly represented among the Indians who are to be sent out to confer with the Joint Committee.

As to the number of such representatives of Bengal, it is the accepted formula nowadays to take the population strength as the basis for the allocation of political power and franchise. Taking this test, Bengal comes easily first among all the provinces, with its 50 millions as against 43 millions in Madras, 26 millions in Bombay and 25 millions in Punjab. So I urge that the number to be selected for Bengal should not in any case be less than that of any other province.

(The Council adjourned for 15 minutes for prayer.)

[After adjournment Mr. G. R. Dain made an oath of his allegiance to the Crown.]

Mr. S. M. BOSE: Then, as regards the field for choice, the object, as Lord Irwin says, is to secure Indians as representative as possible. The members of this House are the representatives of the people, and may be expected to have a good knowledge of the needs and aspirations of the people. So I venture to suggest, that if possible, preferably, the choice may be made from them. But I am well aware that there are eminent persons not in this House, like Sir N. N. Sircar, who may be worthy champions of Bengal.

Anyway, my main point is that Bengal should be adequately represented before the Joint Select Committee. I have not the least doubt that His Excellency the Governor will take due note of the deep feeling of this province against the treatment so long meted out to Bengal.

Bengal, I maintain, is the most intellectual, the most go-ahead of the provinces in India. The country of Ram Mohan Roy, the father of modern India, can well claim to lead India, and will not take a back seat. We, Hindus and Moslems and Christians of Bengal, will do our utmost to maintain her lead and will not be content with anything but the best. We, the inhabitants of Bengal, Indians and Europeans, who have enjoyed her lavish bounty, stand by her, and want to keep her in the van.

To us, Bengal is the Land of Hope and Glory—She is mighty, and under Providence we will make her mightier yet. That is our desire, our prayer.

With these words, I commend my motion for unanimous acceptance by this House.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, it may be useful if I explain at this stage the attitude of Government with regard to this resolution. Government are naturally very interested in the proper representation of Bengal at the meetings of the Joint Select Committee, but it is impossible for them to express any opinion on the details of this motion at this stage. They agree, however, to forward a copy of the debate to the Government of India for communication to the Secretary of State and when the time comes will do all they can to secure proper representation for the province at the meetings of the Joint Select Committee.

Maulvi ABUL KASEM: Sir, I am extremely sorry that I cannot respond to Mr. Bose's appeal for a unanimous support to his motion. I rise to oppose the motion lock, stock and barrel. In the first place, he says that Bengal should be represented before the Joint Parliamentary Committee by proper representatives I do not understand if he means that so long Bengal has been represented by improper or undesirable representatives at the Round Table Conference; of course he does not say so in so many words, but the reason why I oppose this is that not only the Government in Great Britain, not only the Cabinet, not only the members of the Houses of Parliament, but all intelligent Britishers taking any interest in public affairs are at the present moment fully cognisant of the feelings, aspirations or whatever you may call them, of the people of India and Bengal and no useful purpose would be served by inviting people to have a free trip to the United Kingdom at the tax-payers' cost. Whether the Round Table Conferences have done any appreciable service or not is not for me to judge, but what I say is that the Congress point of view, the Moslem point of view, the Liberal point of view have all been pressed into the ears of the British public men for such a long time that it has become nauseating and no purpose will be served by sending another batch to England at public cost. Sir, Mr. Bose has

drawn a very gloomy picture of Bengal. He says that the land of Rajah Ram Mohan Roy is to-day a neglected province. I may remind him that the days of Rajah Ram Mohan Roy, the days of Surendra Nath Bannerjea, W. C. Bannerji and Ananda Mohan Bose are dead and gone. A province is to be treated with respect and veneration, not because it was the birthplace or the place of residence of certain eminent men in the past, but because of its present state of things. Now, what is the present state of things in Bengal? Not only are those persons dead and gone, but their traditions are also dead and gone and altogether lost to us. We are following courses which are quite contrary to those laid down by those illustrious and venerable men whose death we all deplore to-day. Sir, it has been said that we are the Cinderella of India. I may remind my friend that it is not only that the Government has neglected us; we are lagging behind in business, trade and other spheres.

It is in the heart of Calcutta, in Bara Bazar, in Zakeria Street and in Armenian Street that there are such leaders and not at Hatkhola or, for the matter of that, even at Shambazar or Bagbazar We are equipped for the business of clerks and quil-drivers and no more Before we can call upon the Government either in this country or in England to recognise our merits and to recognise our position and to respect us, we must show that we are worthy of that respect. We must show that we are capable of doing things. If Bengal was respected, and if in the past Bengal actually did lead the other provinces in India in those days, it is because there were Bengalis then who could hold their own against the whole world. But to-day where are they? They are not here and anybody now can lead you—men from Guzrat, from Madras, from Bombay, from the hills of Simla or the Punjab Therefore I say that the proper course for us would be to produce men who can command respect and not simply ask for respect, which would not be a just and fair proposal. We have been told that Bengal was the intellectual head of India; so it was 30 or 40 years before, and at that time the Bengali was treated as an intellectual superior to every other people from other provinces. But to-day what is our position? Even ten years back when I was sitting as a member of a committee examining some pupils a question was put to the principal of the Kayastha Patsala and he was asked if all his boys were good and well-behaved and intellectually fit, then where did the bad boys go? The answer was that they went to the Calcutta University to get cheap degrees. Sir, that is the opinion held by educated people about Bengal. The Public Service Commission hold various examinations and do you know, Sir, how the Bengalis, the products of the costly University of Calcutta, fare there as against Madras and the Punjab? Comparing great things with small, I might also add that I had the misfortune to examine along with others, not myself alone, some pupils for admission into a particular school and for three years past I have tried my very best to get a Bengali boy admitted and have always failed because he was never

found fit and equal to the children of Madras, the Punjab or even of the blessed Bihar and Orissa. Therefore I oppose the motion and regret that His Excellency was advised to give a preferential treatment to this resolution and allowed it to be moved at the cost of other non-official resolutions that were tabled and of which notice was given long ago.

Rai Bahadur KESHAB CHANDRA BANERJI: The motion which I have much pleasure to support is a very modest one. It is as reasonable as one can possibly imagine. The resolution contains in a nut-shell Bengal's legitimate claims for fair representation on the committee that may be constituted for consultation with the Joint Select Committee, to be appointed by Parliament for the consideration of the future constitution for India and the provinces. As is well-known, Bengal has always been neglected in all matters in which she is vitally interested, and the most glaring of such instances is the treatment meted out to her by the Meston Award in 1921 which has formed the subject-matter of criticism both in the Council and outside it. There are also other instances of glaring iniquity to which this hapless province of ours has been subjected from time to time; but it will hardly serve any useful purpose to enumerate them at the present moment, as they are well-known to all.

Sir, before the introduction of the Montagu-Chelmsford Reforms, Bengalis were no doubt selected for consultation with the Joint Parliamentary Committee that was then appointed to advise upon the present constitution of India. But the number of representative Bengalis selected for the purpose was by no means adequate. If this argument held good then, it applies with greater force at the present moment, as the population of Bengal has considerably increased since the introduction of the Montford Reforms. When in all questions of representation, population is taken to be the real basis to proceed upon, there is no reason why Bengal should not receive due consideration, as among the provinces she has the largest population and the largest area in square miles, as has already been pointed out by the mover. Bengal's claim, therefore, calls for special treatment for these reasons as well as for her peculiar position in the political and economic evolution of India. As the future constitution of India is going to be framed on the federal basis and every province will be a separate unit in the coming Federation, it is only meet and proper that Bengal should have an adequate representation as has been rightly suggested by Mr. Bose. The Hon'ble the Finance Member's budget speech this afternoon supports Bengal's case for more liberal treatment, and I, therefore, urge with all the emphasis I can command the acceptance of the motion by this House without a division.

Sir, it is much to be regretted that being himself a Bengali, Mr. Abul Kasem should strike a jarring note at this stage and stultify Bengal in the eyes of the world. I hope he occupies the position of an unenviable minority of one and will find no supporters. I can only pity him for the position he has taken up. If Mr. Abul Kasem professes to be a Bengali,

if he really has the good of this country at heart, he must not do or say anything which will detract from the importance of Bengal—the land of our birth—which we all so dearly love.

Nawab MUSHARRUF HOSAIN: Sir, I am really sorry that my friend, Maulvi Abul Kasem, delivered a speech here against this resolution, especially in a way which cannot be approved. My friend has tried to show that we, in Bengal, individually and collectively, are inferior to the people of other provinces. I emphatically deny this charge. I know, if we get equal opportunities, we could excel the people of other provinces in every sphere of life. Sir, I have seen and met people of the other provinces. I could not find that those people, who are held in very great esteem for reasons which are not always explicable, are in any way superior to the leading men of Bengal. I know gentlemen who went to the Round Table Conference to represent the other provinces; I know many of them intimately and I know also what is their importance and what is their position in the country and of what culture they are. If my friend Maulvi Abul Kasem says that these people are superior to our representatives, then, I must say that he does not know how to appreciate their real merit. Place a Bengali anywhere and give him an opportunity and you will find him occupying the position with honour and dignity. What about the High Commissioner who has been honoured with a "G.C.I.E." the other day? Did he not go from Bengal? Place a Bengali in a good place and you will see that he shines. What about Sir N. N. Sarkar? Has he not really changed the atmosphere of the Round Table Conference and has he not done his work admirably compared to the other people? So select proper persons and you will see that Bengal has got worthy people—better men than other provinces. I have seen several leading people of India. I do not like to give names for comparison and I can say that man for man they cannot be compared with many of us here in Bengal. That being the position, I would rather say that my friend, Maulvi Abul Kasem, was not right in saying that in Bengal there is none as good as people of any other provinces of India, who can do justice to the country.

I fully agree with my friend, Mr. S. M. Bose, that Bengal has been neglected in every sphere by the superior Government. I know of some cases where Bengal's recommendations have been thrown out by the Government of India, and Bengal, for reasons best known to the Government of India, is not being treated in the same way as the other sister provinces of India. That being the case, I strongly resent the action of those who are responsible for not giving an equal position to Bengal and not giving her a sufficient number of members for the three Round Table Conferences; so I would strongly support my friend Mr. S. M. Bose, in his demand for equal treatment on the next occasion.

Mr. W. H. THOMPSON: Mr. President, Sir, I was unfortunate in missing all but the very tail-end of my friend Mr. Abul Kasem's speech. I said "unfortunate"; possibly I have used a wrong word. Certain it is that if his speech had not come, all that would have been necessary for us to do after Mr. Bose has delivered his judgment, would have been to say as the judges over the other side of the road say, "I concur."

Sir, in denying due representation to Bengal on this occasion, the British Government has been following the example of Mahatma Gandhiji which resulted so badly for our friends, the caste-Hindus of Bengal, a short time ago. At that time there was no clamour against *ex parte* consideration of an important matter. But, Sir, there is no odour of sanctity about the British Government. Let us, Sir, clamour and clamour in unison for the due representation of our province on this occasion.

Babu JITENDRALAL BANNERJEE: I had no intention of taking part in this debate, and I may frankly say that I have no sympathy with the arguments that are raised from time to time about the fallen and degraded condition of Bengal. It hurts my self-respect to be perpetually talking in this strain. It seems humiliating to me that people should constantly come up and say that we have fallen so low, that people do not recognise us, and that we are degraded and neglected. If you are neglected, most probably you deserve to be neglected, and this perpetual whining certainly does not mend matters. Fortunately, the greatness of Bengal is of sterner, more genuine stuff than most people seem to imagine! Bengal will stand great irrespective of whether our greatness is recognised by a particular Government of India or not, she will live by her own virtue, by the virtue of her own soul, by the virtue of her inner vitality, by the virtue of her contribution to the thought and activity of the world; not as a beggar upon the recognition of others. But, Sir, though I cannot sympathise with the general attitude of Mr. S. M. Bose, I sympathise still less with the scandalous attitude that has been displayed by Maulvi Abul Kasem, not seriously perhaps, but in a spirit of wanton mischief. There are people who are always harking back to the past, who are always saying that things were great 30 years ago, and there were giants in those days. I also had the honour of mixing with some of those men whose names Maulvi Abul Kasem mentioned to-day. Great man certainly, but—with one exception—nothing extraordinary, nothing very much out of the way. That one exception was my master, the late Sir Surendra Nath Bannerjea, whose memory I cherish and to whom I always feel it my duty to pay a tribute of reverent homage. But the others were not supermen, and even to-day in this work-day world of ours you can meet with people who might well have acted as their

colleagues and equals. Maulvi Abul Kasem and others of his sort make the common mistake of undervaluing the real things of life. Mr. Kasem spoke of Sir Surendra Nath Bannerjea, Mr. W. C. Bannerji and Ananda Mohan Bose, but politics is not the only thing that matters. Maulvi Abul Kasem forgot that Bengal is also the Bengal of Rabindranath Tagore who still lives and works in our midst; Maulvi Abul Kasem forgot that Bengal is also the land of Sir J. C. Bose; Maulvi Abul Kasem forgot that Bengal is the land of Sir P. C. Roy. Maulvi Abul Kasem forgot that Bengal is the land of Dr. Meghnad Shaha. Burra Bazar, Amratolla and Clive Street—they are all very well in their way; but they do not express the soul of a nation, nor does a nation live by bread alone! It is not the merchant princes of a country that make it great and glorious; it is the men who contribute to the thought of the world; it is the men who contribute to the emotional treasures of the world, it is they who make a country great. And so far as such men are concerned, I look over the broad land of India, and I find that no other province but Bengal has made any permanent contributions to the treasure house of the world's thought, the world's poetry and the world's emotional wealth. Sir, if that is not a title to greatness, I do not know what constitutes such title to greatness. I, therefore, do not feel called upon to defend the good name of Bengal; that good name is capable of defending itself. Bengal will survive the cheap sneers of Maulvi Abul Kasem, Bengal will also survive the want of recognition by the Government of India. As for the other matter, namely, representation upon the Joint Parliamentary Committee, I only hope that Bengal's claim will be adequately considered, but I have little hope that my hope will be fulfilled.

Dr. NARESH CHANDRA SEN GUPTA: The proposition which has been brought forward by Mr. S. M. Bose is on its merits so absolutely unacceptable that it seems almost absurd that such a motion should have been introduced in this House. Therefore, I have nothing to add to the arguments which have been advanced by him in support of the proposition that Bengal ought to be adequately represented. My only fear is that if we go on at this rate, possibly some day we will have a special resolution recommending or suggesting that children should love their parents. But there is one aspect of the matter which makes me feel uncomfortable. I feel that the moving of this resolution or the passing of such a resolution by this Council after the treatment that similar resolutions have received at the hands of the authorities in the past would be wanting in self-respect. Mr. Bose himself has pointed out that we passed a resolution in this House asking for proper representation in the Round Table Conference. We did not receive even a courteous acknowledgment or a declaration of the reasons why our recommendations could not be accepted That

is the value of our recommendations, and even after that we go on moving resolutions and prayers for a seat by sufferance, not in the Round Table Conference this time, but in the Joint Parliamentary Committee! Sir, the expression that could be used of us would be the eloquent Bengali expression "*Behadda Behaya.*"

Khan Bahadur MUHAMMAD ABDUL MOMIN: I rise to give my most emphatic support to the resolution of Mr. S. M. Bose. Sir, I have no delusions about the success or otherwise of this resolution. We know that however emphatic we may be in our representations, however loud the cry from Bengal may be, by the time it reaches India, it becomes a very feeble voice. This we have found in the past. A very similar resolution was passed in this House about 18 months ago in which we asked Government to give us a larger representation in the Round Table Conference. It resulted in nothing, and I do not think that whatever we may say and how unanimously we may pass these resolutions, our prayer will have any better result. Nevertheless, I think we will be doing our duty if we represent our case to Government in this manner. A lot has been said about our want of self-respect in making prayers of this nature, always in season and out of season. I am afraid that those critics forget that except passing resolutions and making our submissions, we have nothing else in our power to do. This is all that we can do, and can do no more. We should be failing in our duty not only to ourselves but to the people whom we represent in this Council if we fail to make a representation to Government on this important matter.

I am afraid I am in agreement with a very good deal of what has fallen from my esteemed friend, Maulvi Abul Kasem, as regards the present condition of Bengal. I think most of his complaints has been uttered not in anger but in sorrow. He spoke of the present backwardness of Bengal as compared to other provinces. So far as the services are concerned, Bengal is really getting backward.

Sir, Mr. S. M. Bose has made out a very good case about the importance of Bengal on which he bases his claim for a much larger representation. I think Bengal is important not only from the point of view of her wealth and intellectual achievement, but also for other reasons to which Maulvi Abul Kasem has referred, and it is for these reasons that Bengal requires adequate representation. If it is a fact that Bengal is moving backward, it is all the more necessary that it should be properly represented in the framing of its constitution. If Bengal's political activities have been on the wrong direction, if the people are not as well-behaved as they ought to be, that is also another reason for its better representation than other provinces. If there is more of anarchism and terrorist movement in Bengal, if there is more

dissatisfaction and discontent, it is necessary that Bengal should be properly represented, so that the constitution we get later on may satisfy the people of Bengal.

Nawab Musharruf Hosain has gone into the personality of some of our representatives to the Round Table Conferences. I would say, as Mr. Woodhead has said in his budget speech, that comparisons are "oderous." I do not propose to compare the merits of the various candidates, the various representatives who have represented us in the past. I do not mean any disparagement to any one of them, but I must certainly say that in a measure of such tremendous importance, one or two heads are not enough, specially at the final stages when the draft Bill requires the most careful examination. I know that some of us do feel that the whole machinery of conferences and joint committees have been a waste of money. If we could have conferences in India, perhaps we could have saved a lot of money, but as things are, we are going to have a Joint Parliamentary Committee in England, and it is right and proper that we should be properly represented on it. It is no use saying that the members are going to have a good holiday in England. If they want to have a holiday, you cannot prevent it. If they are going to have it, why should Bengal be left out, as it has been left out in the past?

Sir, I am rather disappointed at the statement which has been made by the Leader of the House on this resolution. We expected that Government would support us more wholeheartedly in our proposal. We know how the Finance Department have been fighting as regards the Meston Settlement. This is also a matter of similar importance, if not of greater importance. Therefore, I would request Government on behalf of the whole House to give their wholehearted support to the resolution.

Mr. ANANDA MOHAN PODDAR: The motion before the House is very opportune and at the same time a very modest one. We are on the eve of great constitutional reforms. The Third Round Table Conference has finished its work and the future constitution of India which is in the making will be soon put before the Joint Parliamentary Select Committee for discussion and disposal. His Excellency the Governor General will be soon called upon to nominate representatives from India for consultation with the said committee. The demand of Bengal for proper representation before the Joint Select Committee cannot be brushed aside easily. The position of Bengal is a peculiar one. Though the premier province in the Indian Empire, Bengal is always relegated to a position in the back and is treated with indifference in all public affairs to-day. During this constitution-making period the interests of Bengal have suffered on all hands and suffered very considerably. The Premier's communal award gave Bengal a shock and it has simply been aggravated by the Poona Pact. The

representation proposed to be given to the Indian mercantile community by the Indian Franchise Committee and the Premier's award is another instance of injustice to the trading communities of Bengal. While the strength of representation of the European commercial interests has been increased in proportion with strength of the House, the claims of Indian merchants for a better representation have received little consideration up till now. Bengal is groaning under deficit budgets from year to year and nobody seems to be alive to the difficulties through which Bengal is passing to-day. Time was when Bengal led the other provinces of India—but to-day she is at the mercy of others. You cannot ignore the claims of Bengal any more and do her a perpetual injustice. I, therefore, wholeheartedly support the special motion moved by my friend, Mr. S. M. Bose.

Mr. NARENDRA KUMAR BASU: Sir, I confess that I deplore very much the turn that this debate has taken. I should have thought that the debate on a seemingly innocuous motion put forward by our esteemed friend, Mr. S. M. Bose, who is always ready with special resolutions when occasion arises, would not entail a discussion of the comparative merits of Bengalis and the Indians outside. But probably my friend, Maulvi Abul Kasem, my very old friend, who, I think, is very deeply read in Hindu *shastras* and my friend, Khan Bahadur Maulvi Abdul Momin, who knows the Mahabharata very well—probably they were praising themselves in irony—they were trying to expiate for the sins of themselves and of their friends for having not acted up to the true spirit of a Bengali. I should have thought that this resolution which really points out the necessity for the appointment of representative men of Bengal to the Select Committee would commend itself to everybody. I agree with my friend, Dr. Naresh Chandra Sen Gupta, that this sort of whining prayers at every opportunity that occurs is not always conducive to the self-respect of the members of the House. Khan Bahadur Abdul Momin has said that we cannot but adopt a resolution of this description because there is nothing else for us to do. I do think that it is in our power not to demean ourselves and not to show that we care at being neglected by the Government of India and the Government of Great Britain. If we are neglected, it is up to us to show that we are alive to that neglect and that we can very well take care of ourselves. I am not going to be drawn into the controversy started by some of the previous speakers as to the comparative greatness or littleness of the Bengalis 30 years ago. That has nothing to do with the resolution. The whole question is that this Joint Select Committee is going to frame a constitution for the whole of India including Bengal as an autonomous province and our needs must be considered properly by the Joint Select Committee. So far as our financial difficulties and similar special questions are concerned, we are glad to be able to testify that the Local Government from His Excellency the Governor downwards are all taking proper

steps to see that the interests of Bengal do not suffer and I am also glad to be able to testify that our representative at the last Round Table Conference, Sir Nripendra Nath Sirkar, has not only not betrayed the interests of Bengal, as was apprehended by a section of our people on the contrary, but has helped the interests of Bengal considerably. But so far as the Joint Select Committee is concerned which is likely in the last resort to be in a position to dominate the action of Parliament being a committee of the Parliament itself from both the Houses, I am sure that in the best interests of Bengal there should be a proper representative of Bengal in that committee. It is bare justice. There is no question of Bengal being denied proper representation in that committee or before that committee because forsooth Bengal in 1933 is not what she was in 1903. That is certainly no ground for denying any representation to Bengal, as the Joint Select Committee is going to deal with Bengal as she will be in 1936. However, whenever the new constitution is going to function, that is the time from which the Joint Select Committee will have to frame their resolutions and recommendations and, therefore, the real question of the deterioration or otherwise of Bengal does not come into play at all and I am sorry that such a scarlet herring should have been drawn across the trail. I am quite sure that so far as principle is concerned, Bengal ought to be represented in or before the Joint Select Committee and it is as self-evident as an axiom of mathematics and I do not see any reason why this resolution should not be accepted by the House.

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, in spite of the jarring note sounded by my old friend, Mr. Abul Kasem, I rise to support the motion of Mr. S. M. Bose. For the last decade or so Bengal has fallen on evil days. Her rightful claims are being repeatedly ignored. In all matters of vital importance she has been left in the lurch. The unique position which Bengal held over the rest of India is being continually ignored. It was Mr. Gokhale who said that what Bengal thinks to-day India will think to-morrow. That position she is going to lose, which is due, of course, to various factors which are still at work. I do not accept the contention of Mr. Abul Kasem that Bengal is behind other provinces in all walks of life. Given the opportunity, Bengal can hold its own in all spheres—in science, literature, art and what not. Bengal had no hand in the shaping of the recent Poona Pact, although she had vital interest in it. Her fate was decided by other provinces and it was accepted by the Paramount Power.

Sir, the treatment meted out to Bengal since the Meston Settlement is most distressing. I should like to mention here the sincere efforts the Government has made to unsettle the Meston Award. The illuminating financial statement read by the Hon'ble Mr. Woodhead, the Finance Member, an hour ago showed the sincere attempt made by Government in pressing forward the claims of Bengal to better financial treatment.

Our best thanks are due to Government for what they have done in financial matters, but I do not know what views they will press to satisfy our political aspirations. Adequate representation is, therefore, necessary in the Joint Select Committee to press our rightful claims. In the representation to the Round Table Conference, the representation of Bengal had been meagre especially in the last Round Table Conference. Bengal should try to retrieve its lost position. It should be treated with due consideration at the time of the appointment of representative persons of Bengal in the Joint Select Committee. The request is a very modest one—the number of representatives of Bengal should not be less than that of any other province. Everything is now being based on the population basis and I do not know why that principle should not be followed in this case. I wholeheartedly support the motion of Mr. Bose and I hope it will have unanimous support of all sections of the House. I hope it will not receive the same shabby treatment as it received on previous occasions from Government on similar motions in this Council.

Mr. SHANTI SHEKHARESWAR RAY: Sir, my friend, Mr. S. M. Bose, is a great optimist. Though the recommendation contained in the resolution moved by him about a year ago was not accepted, he has again brought forward a motion of a similar nature. I think that the result will be more or less the same. The difficulty facing us and, I think, the Government of Bengal is that we do not know exactly what the position is. The question of extending invitation does not lie in the hands of the Government of Bengal or the Government of India. From a discussion in the Legislative Assembly some time ago it appeared that even His Excellency the Governor General had very little to do in connection with the final selection of the so-called representatives from India. The representatives were selected by the British Government without reference to the public opinion in this country. The only suggestion that I can make in this connection is that the British Government in extending invitations will see that they invite persons who are in a position to deliver the goods. If they do not keep this ideal before them, then it is a practical waste of money and time to invite mere puppets to any conference in England or to serve on any committee. It is immaterial in that case who is appointed to such a committee or invited to such a conference. It would be immaterial even if Bengal is totally ignored. I do not know whether the real representatives of the province will agree to serve on the Select Committee on the terms announced by the Government. If they are not prepared to do that, I think His Majesty's Government should be prepared to reconsider the position and offer such terms which may enable the real representatives of the people from India to go and help His Majesty's Government in this great task.

Maulvi ABDUS SAMAD: Sir, I have no mind whatsoever to take part in the debate on Mr. Bose's resolution nor do I like to enter

into the merits of the same, but, Sir, I am bound to say a few words about the remarks and observations of Maulvi Abul Kasem. His attitude towards the Bengal leaders reminds me of the well-known line in Shakespeare's Julius Cæsar "Ingratitude more dangerous than traitors' arms quite vanquished Cæsar". It was not Brutus's dagger that killed Cæsar, but Brutus's ingratitude which killed him. Similarly, Sir, the Bengal leaders may say of Mr. Abul Kasem that they have been really vanquished by his ingratitude and not by his attack. He owes his position as a member of this Council to the Bengal leaders and if we get the reformed constitution, it will be due to the political agitation in Bengal in which the Bengal leaders took the most prominent part. And, Sir, if he again comes to the Bengal Council, it will be due to the activities and agitation of the Bengal leaders. In spite of this, he thinks it fit to cast a fling upon the Bengal leaders. Sir, the British Government has granted this reformed constitution not out of love and affection towards the people of this country, but they have been compelled to do so on account of the political situation created therein and if we get any autonomous constitution, it will be due to the enormous sacrifice and sufferings undergone by the political leaders of Bengal. So, it is ungracious and ungrateful on the part of Mr. Abul Kasem to attack the Bengal leaders and cast a fling on them on this occasion.

Mr. P. N. CUHA: Mr. President, Sir, I am afraid we are confusing issues in connection with the resolution. It will serve no useful purpose to forget the very first thing, which is that the delegates to the Round Table Conferences were not allowed to be elected. They were selected by the Governor General and the Secretary of State, most likely in consultation with the Local Governments. That being the case, we can gain nothing by sending a request to the Governor General to select men of our choice at this concluding stage. No attention was paid to the desire of the people at any stage of the conference and it is futile to expect a change at the last moment.

Sir, we have heard a lot this evening about the injustice done to Bengal in connection with the selection of the Bengali delegates to the Round Table Conference. I am sorry I cannot agree with my friends on this point for I do not believe that any great injustice was done to Bengal. Sir, it will be recalled that five Bengalis, three Hindus and two Mussalmans, were selected to represent this province in the first and second Round Table Conferences. They were all representative men and three of them were not only members of this House but leaders of three different groups. Mr. Fazl-ul Huq is the leader of the *Praja* party; Mr. J. N. Basu is the same of the People's party and Sir P. C. Mitter is the leader of the House itself. Of the remaining two, Mr. A. H. Ghuznavi is an elected representative of Bengal in the Legislative Assembly of India and Dr. Law occupies a prominent position in the business field of Bengal. What would happen if this House was asked

to elect representatives? Would the *Praja* party, which includes practically all the Moslem members of this House, think of any one else than their leader, Mr. Fazl-ul Huq? And would the Hindus select any one else but Mr. Basu, the veteran leader? Then the public life of Sir P. C. Mitter extends over a period of nearly thirty years and how many men are there in Bengal who could represent Bengal more ably than this gentleman? I, therefore, fail to understand how any injustice has been done to Bengal.

Then, Sir, we have heard it said that the real representatives of the people are not here. I have no quarrel with those who think that none but Congressmen have any right to represent the people. That may be the case, but we are not concerned with that for the simple reason that the Congressmen are neither here nor would be there. What is, however, interesting in this connection is that these worshippers of the Congress patriots are comfortably enjoying the privileges of the membership of the Council in spite of the mandate of the Congress. The value of their opinion is, therefore, apparent to all.

Sir, Bengal had only two representatives in the last session of the conference and my friend, Mr. N. K. Basu, has just now testified to the excellent work done by one of them. I agree with him and I may unhesitatingly say that Sir N. N. Sircar did wonderfully well. As to the other representative, I mean Mr. A. H. Ghuznavi, he also did excellent work. I put aside his communal views, for no communal or sectional question was taken up at the last conference. Larger political and financial issues were dealt with and both Sir N. N. Sircar and Mr. A. H. Ghuznavi fought strenuously to safeguard the interests of Bengal. The White Paper is not yet out, but the documents on which the White Paper will be based are there and I had the privilege of going through the pages of these documents. I assure you, Sir, our representatives not only successfully fought for our jute and income-taxes but succeeded in baffling the intention of those who were against the proposal of transferring Law and Order to the people. These being the records of our representatives, I fail to realize how the interests of Bengal have been adversely affected at the Round Table Conferences. As to the Joint Parliamentary Committee, my information is that a very limited number of Indian representatives will be asked to work as assessors and I have reasons to believe that one of the illustrious sons of Bengal will be included amongst them.

Mr. K. C. RAY CHOWDHURY: Sir, I am surprised that Mr. P. N. Guha should say that Bengal was properly represented at the Round Table Conferences. It was not a matter in which a brilliant lawyer or a politician should only take part. It was a question in the discussion of which men from Bengal in close touch with the economic activities of the country should have taken part. It is the men who are in touch with commerce, industries and who are conversant with the everyday life of the people—how they are living, whether they are getting

employment—who should have been selected for these conferences. That is the reason why Bombay has stolen a march over us and Bombay has had more than her share of representation in the Round Table Conferences. The Government of India did not attach that importance to the representation of Bengal which they should have done in choosing Bengal's delegates to the Round Table Conference and to the Joint Committee. We want men who are in close touch with the economic activities of the country and not learned politicians or great legal luminaries, but people who know how the constitution should be framed to protect *raiyats* and labour. From this point of view the Government of India are guilty of not giving proper representation to Bengal.

Rai Bahadur JOGESH CHANDRA SEN: Sir, there cannot be two opinions that Bengal has been neglected in regard to her representation in the Round Table Conference excepting that of Mr. Guha on the other side. Mr. Bose, the mover, and the other hon'ble members on this side of the House have very clearly stated the facts and made out a very strong case for making a representation to Parliament. We are out to work the constitution and not to non-co-operate. If that be so, then we must proceed constitutionally and bring to the notice of the authorities the wrongs we feel and I am sure that the British Government will take due note of it and will not turn us non-co-operators and thereby strengthen the other camp. With these words I wholeheartedly support Mr. Bose's resolution.

The question was then put and agreed to.

NON-OFFICIAL BUSINESS

RESOLUTIONS

(on matters of general public interest).

Assessment of Revenue in Chittagong.

Haji BADI AHMED CHOWDHURY: I beg to move that this Council recommends to the Government—

(i) that the assessment of revenue and cesses of the temporary estates of the Noabud *taluks* and *jotes* in Chittagong and other districts be decreased in proportion to the present market price of paddy and jute, and

(ii) that in the meantime the realization of half the revenue of the Noabud *taluks* and *jotes* payable by the *talukdars* and *jotedars* be stayed till the proposed re-assessment of revenue and cesses in these districts.

(The member delivered a speech in Bengali in support of his resolution.)

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I can well understand the difficulties of agriculturists not only of Chittagong but all over the province at the present moment when the value of all agricultural commodities is so low. But if the object of the mover was to get some relief for the temporary settled *taluks* of Chittagong, he could not have conceived a more ill-conceived resolution than the one that he has tabled. Now, let us see what this resolution says. It says in the first clause "that the assessment of revenue and cesses of the temporary estates of the Noabud *taluks* and *jotes* in Chittagong and other districts be decreased in proportion to the present market price of paddy and jute". The mover ought to know, and I am sure the House will realise, that the settlement has been made for 30 years. If clause (*1*) has got to be given effect to, it will mean a good deal of expense and possibly a fair amount of harassment. Now, supposing—why supposing—admitting (because it is nothing but a fact that the prices of agricultural commodities have gone down) that the prices have gone down for two or three years; but if it remains like that for the remaining period of 30 years or, say, ten years, that would be another proposition in which case something would have to be done not only for Chittagong, but also for other parts of the province. But because prices have gone down for two or three years, to upset the whole settlement for a period of 30 years is anything but reasonable. There may be a good case or there may not be a good case, which will depend upon facts, but remissions could only be earned provided the *zamindars* who get this temporary suspension agree to pass it on to the agriculturist; but we are not concerned with that and that is not the subject-matter of the resolution, although the mover, so far as I can follow him, was laying great stress on the low prices of commodities. But the second portion of his resolution makes the position still worse. It says "that in the meantime the realization of half the revenue of the Noabud *taluks* and *jotes* payable by the *talukdars* and *jotedars* be stayed till the proposed re-assessment of revenue and cesses in these districts". I say—why half? Why not one-third, why not three-fourths? Why half—because the mover says half? Now, supposing half is kept in abeyance for the time being and supposing after the fresh re-settlement, as he puts it in the first clause of his resolution, the revenue in some *taluks* is reduced by one-fifth only, then the temporary suspension of half will mean that the settlement holders will have to pay the arrears, for even if the Government be considerate, they must realise it within, say, six months. Therefore, if the object be some relief to the agriculturist because of the low prices of commodities, he could not have thought of any resolution which would serve his purpose the least, and which would make it more difficult to give such relief.

Now, I would like to place some facts in connection with this settlement before this House. I may remind the House that Rai Kamini Kumar Das Bahadur and Babu Kishori Mohan Chaudhuri put certain

questions on this subject when certain materials were placed before the House on those occasions. At the time of re-assessment of the revenue payable by the Noabad *taluks* and *jotes* in Chittagong during the revisional survey, an enhancement was made on the ground that the average price rose during the decennial period immediately before the present settlement, compared with the average price during the decennial period immediately preceding the previous settlement. It was found on calculation made on that basis that under section 30, clause (*b*) of the Bengal Tenancy Act, an enhancement of 10 annas per rupee would have been justified, but as it is the policy of Government to make as moderate an enhancement as was consistent with what was fair to the tax-payers of the province as a whole on the one hand, and what was fair to the *raiyats* or *zamindars* of a particular district on the other, instead of enhancing 10 annas per rupee, only 4 annas per rupee on *raiyati* land was taken. Furthermore, to prevent iniquity the average rate for each village was also determined on the existing rent of all *raiyats*—the existing rent which they were paying for years; and in taking the existing rent for all *raiyats*, those *raiyats* who were obviously rack-rented—possibly some *mahajans* bought them up, or possibly some *zamindars* bought them or settled them at a higher rent—those rack-rentings were excluded, and no rent was raised so as to be greater than the existing average by more than 4 annas per rupee. This was equivalent to fixing the rate on the basis of market value of commodities very much lower than the rate which prevailed before the economic depression. I have got before me here a list showing the price of rice in Chittagong in 1930 right up to February, 1932, week by week. I will just give you one or two figures. In the week ending January 31st, rice was selling at 6¾ seers per rupee. Now, taking a figure in 1931—in the week ending 16th December, 1931, rice was selling at 11½ seers per rupee and the week ending 21st December, 1931, rice was selling at 12 seers per rupee. But in week ending 8th February, 1933, it was selling at 12 seers per rupee. Therefore, that shows that as compared with 1930, the price has gone down by about half. But while on the basis of the old price the enhancement should have been 10 annas per rupee, we have made it only 4 annas per rupee. Even at that rate you cannot say that the enhancement is too high. Remember, Sir, the mover is asking the Council not for temporary relief, but is asking to upset the settlement for a period of 30 years.

Then the market price of jute has no effect on the rate of rent prevalent in Chittagong, because Chittagong is not primarily a jute-producing district. There is very little of jute in Chittagong. On the above basis the average rate of rent paid by *raiyats* in that district is, say, Rs. 5 to Rs. 6 per acre. In some areas, there are higher rents, even up to Rs. 10, but these are very rare. So far as the *raiyats* are concerned, if the enhancement was only four anñas in the rupee over

the rate prevailing during the last thirty years, then surely that is not a high enhancement, and even under the present market conditions that enhancement is not high.

Mr. PRESIDENT: I would like to adjourn the House. Would you take long, Sir Provash?

The Hon'ble SIR PROVASH CHUNDER MITTER: I am afraid I want some time to explain the other points.

Mr. PRESIDENT: In that case, the House should now be adjourned for prayer.

(The Council adjourned for fifteen minutes for prayer.)

(After adjournment.)

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I have placed materials with regard to the assessment of rates of *raiyats* before the House. Now I wish to say a few words about *talukdars* and *jotedars*. These assessments were based on their assets. Assets represent the total of the rents paid by the *raiyats* to the tenure-holder, *plus* a valuation on the *khas* lands calculated at the average rate for the *mauza* for each class of land, not on profits, but on average rates. On this they get a minimum allowance of 30 per cent. as profit, and collection charges. A greater percentage was given to many for one or more of the following reasons:—

(*a*) that the percentage given at the last settlement was so high that the calculated cash profit would be reduced unless more than 30 per cent. was given,

(*b*) that the lands were exposed to ravages of wild beasts,

(*c*) that the lands required embankment to prevent damage by the sea or flood,

(*d*) that there were a very large number of very small holdings from which to collect rent entailing greater cost of collection.

The result in the district is that the average allowance given to tenure-holders as a class is about 40 per cent. of the assets.

Now, as I have already mentioned, the revenue has been fixed for a period of thirty years, not 15, which is the standard in Government estates; therefore, in that way too they got additional benefit. If the proposal to decrease the revenue in proportion to the price of paddy is accepted, they will not get any real benefit as the figures

I have shown will prove for in such case the revenue must be increased and decreased annually or if not annually, at any rate periodically, according to the current market price, but that will introduce a very tedious and expensive system. This is also contrary to all existing practice. My submission is that the revenue assessed is a moderate one and errs on the side of leniency rather than otherwise. The fact that settlement has been made for thirty years gives ample opportunity for the *talukdars* and *jotedars* to recoup in later years any temporary loss they may suffer from the present trade depression. There is another point to which I think I should refer. The mover said that in other provinces, refund had been granted. That is true, but if we introduce the system which I believe—I speak subject to correction—is in vogue in other provinces, then perhaps the assessment of rates will be much higher. Sir, in those provinces, I believe, the value of the profits is one of the factors taken into consideration and the value of the produce, I am told, is an important factor. If we in Bengal attempted to assess on that basis and as I tried to explain yesterday—if we attempted to assess at 16 per cent. of the value of assets, then the rental of the *khas* lands of Bengal and temporarily settled land would be very much higher. Other provinces have been getting higher rents, and in times of economic distress they give up a portion out of what they get of this excess. On the other hand, members of this House are familiar with the principle of assessment under the Bengal Tenancy Act, Chapter 10, section 104, and a series of sub-sections after section 104. We start with the existing rent as an important factor and then increase the rate under section 30. If the existing rent was Rs. 2 per *bigha* and if on account of a rise in the price of staple foodcrops an increase is justified, it is made: but in making such increases, as in this case, moderation is kept in view, and the increase is much less than the rise in price justifies. As I have said in an earlier portion of my speech, if we can proceed on the basis of ten annas in the rupee, we make it four annas. For all these reasons we cannot possibly accept the resolution as it stands.

Before I conclude, however, I should like to add that if any suitable case be presented for remission or temporary suspension pointing out how the *raiyats* or the tenure-holders or temporary proprietors are entitled to remission or suspension, that would be examined very carefully, but in presenting their cases, they must give full materials to show that the present assessment is such, and the present value of agricultural produce of the district of Chittagong is such, that some temporary relief is called for, then I promise to consider such representation very carefully, but you must not take that as a promise to give relief because I cannot say offhand that there should be any relief, but such cases will be considered very carefully and with every sympathy and consideration.

Haji BADI AHMED CHOWDHURY replying in Bengali asked leave of the House to withdraw the resolution.

The motion was then, by leave, withdrawn.

Transfer of provincial subjects under the Devolution Rules.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that this Council recommends to the Government to convey to the Government of India that in the opinion of this Council rules should immediately be framed under the Government of India Act to provide for all the provincial subjects specified in Part II of Schedule I of the Devolution Rules to be administered by the Governor acting with Ministers.

Sir, I frankly confess that I claim no originality in moving this resolution as I am going to say nothing new—a matter which has been discussed on the floor of this House in the course of the past year. It was in February, 1932, that Mr. B. C. Chatterjee urged the immediate transfer of the reserved subjects to the control of popular Ministers in connection with an adjournment motion which he moved condemning the dastardly attempt on the life of Sir Stanley Jackson, the former Governor of Bengal, at the Annual Convocation of the University of Calcutta on the 6th February, 1932. I need not refer to it in detail as a perusal of the debates which took place then and on the 1st September last in connection with the Bengal Criminal Law (Second) Amendment Bill, 1932, will convince one of the reasonableness of the proposition. Sir, Mr. B. C. Chatterjee said on that occasion on the 15th February, 1932: "We have the fact confronting us that Great Britain has definitely promised us provincial autonomy and some measure of responsibility also in the Central Government. We have also got the fact definitely established." Then on another occasion he said: "The Government does not seem to realise that since it is going to introduce popular Government in the country, it should do so at once instead of going on with this painful piece of legislation of a kind which is anti-British and which I know Mr. Reid and his colleagues cannot possibly like."

Sir, in framing my resolution I have been guided by the belief, rather conviction, that in a state of political distemper nothing is more soothing and softening than political concessions. Concessions made at the right moment can work miracles. In my humble opinion now is the moment, a very psychological moment, for making concessions, and concessions would bless those who give and those who receive.

Sir, we are passing through a veritable crisis; it is a crisis when political discontent is extremely great; political life is withering away for want of opportunities and political activities are being asphyxiated for want of popular enthusiasm. When our political life is suffering

from such paralysis, it is time, Sir, that suitable injections should be applied and a better atmosphere created, and that can happen in the event of increased political opportunities.

My critics may say that constitutional reforms are on the anvil and they are being hammered into shape and that I am showing indecent haste for a thing which is sure to come sooner or later. Sir, the standpoint of my critics strengthens my position furthermore; it is true that in the years to come, say, within two or three years, we are expecting a very strong dose of constitutional reforms. It is equally true that we lack political training for running a purely self-governing institution, and if in the meantime which intervenes before the graft of constitutional reforms, we get the privilege of political training by running all the reserved departments, that would immensely help us in our constructive statesmanship and qualify us further for shouldering fresh responsibilities. Meanwhile, we would get acquainted with the mysteries of the art of government so that in the coming reforms we could acquit ourselves creditably. Apart from training, such political concessions would ease the political tension, generate confidence in the people and bring about an atmosphere of goodwill. That is a great gain and for such gains, history records greater political concessions.

Sir, my resolution makes a very modest demand; it does not seek to amend the existing Government of India Act, nor does it attempt to introduce constitutional concessions or changes; it merely seeks to run the existing machinery of Government with all its manifold constitutional drawbacks by its popular Ministers. Such a gracious act would mean the reconquest of Bengal, that would really be reconquering the trust and goodwill of the people. Concessions are sure to be responded to warmly and genuinely and in that belief I move my resolution which invites a gesture of peace from Government. Reforms are long overdue. It was expected that the reformed constitution would come into existence in the course of a year; that was the hope entertained by some members of this House last year. A year has elapsed and the reforms are not within sight! It is extremely doubtful whether in the course of next two years the new constitution will be brought into operation. The Third Round Table Conference has been held and a fourth conference will be held, that means a delay of another three years. I have nothing more to add but to commend my resolution to the acceptance of the House.

Maulvi TAMIZUDDIN KHAN: Sir, it seems to me very unfortunate that we are going to play the part of Hamlet without the Prince of Denmark although he is alive. It is a hobby with my esteemed friend, Mr. B. C. Chatterjee, to urge on the floor of this House in season and out of season that the transfer of all the departments of Government to responsible Ministers even under the present constitution will be a panacea of all the evils that Bengal is suffering from.

It is really very unfortunate that he is not here to sponsor this proposal and that he has to do that through a substitute.

I think the resolution is perfectly innocuous and will have the wholehearted support of this House, but I would be only too glad if a little rider is added to it, namely, that the departments should be administered by the Governor acting with his Ministers chosen preferably from among the sponsor and supporters of this resolution.

The Hon'ble Mr. W. D. R. PRENTICE: The Rai Bahadur said that he was not instructed by Mr. B. C. Chatterjee on this occasion. But it is also obvious that he has not studied Mr. B. C. Chatterjee's previous instructions very well or he would have realised that Mr. B. C. Chatterjee last year was careful to explain that the highest legal authority in England had advised that it would be illegal under the present Act to transfer all departments to the charge of Ministers. From that point of view as being illegal the resolution which has been moved is unacceptable to Government. Moreover, from the interest which the resolution has aroused in the House I doubt whether the public are as much in favour of the resolution as the mover would ask us to believe. Last year when I dealt with a similar resolution, I had to go into all the details and point out all the difficulties of the proposal. I had also to refer to various statements made by the Prime Minister at home, which showed that this scheme had been considered and had been found unacceptable. I went on to point out that Government were taking every step to introduce provincial autonomy into India as quickly as possible. Since that debate what have we had? We have had the Third Round Table Conference; we are promised a White Paper within a short time, and the motion which this House discussed this afternoon shows that we are all aware that within a short period representative Indians will be summoned to London to sit with a Joint Select Committee in order to consider further the proposals which His Majesty's Government propose to bring before Parliament for the transfer of Government of the country and the provinces to the representatives of the people. It is impossible to be blind to these facts and to ignore them in considering this resolution. I think the mover himself must realise that the Council will not be very wise, having regard to the procedure that has already been gone through and the promise that has already been made on behalf of His Majesty's Government, to ask this House to accept this resolution and send it on to the Government of India as the considered views of the Bengal representatives. I am not going into the difficulties as I pointed them out last year and I am not going to raise any of the questions which some of the previous speakers raised last year. I would only ask the mover to realise that it is entirely inopportune to move a resolution of this type and I hope he will withdraw it.

Mr. NARENDRA KUMAR BASU: I am afraid the Hon'ble Mr. Prentice has not appreciated the intentions of the mover of this resolution. As has been pointed out already, last year when a similar resolution was moved, it was expected, or shall I say apprehended, that the life of this Council would end in June, 1932. Therefore, the question of transfer of powers to Ministers would cease when the new Council is sitting. Since then we have had the life of this Council extended by one year and from what I can gather from the budget that has been presented to us it is very likely that the life of the Council will be further prolonged by another twelve or fourteen months. That being so, I take it that the mover of the resolution thinks that as the lifetime of the Council has been extended from three to five years, why should not some portion of the loaves and fishes of office come to some members of this House more particularly as some of them may not be members of the next Council. As a matter of fact it may be that when the new constitution comes into being, the members who now adorn the benches of this Council may or may not be here and the provincial autonomy or rather a share in the provincial autonomy may not be in hands of the members who are now representatives of the people in this House. Therefore, if the Government propose to extend the lifetime of this Council, it will be merely graceful and gracious on their part to give some of the members of this Council a chance to become Ministers. That is what the resolution means, and I oppose it.

Rai Bahadur KESNAB CHANDRA BANERJI: The Hon'ble Member has stated that there are legal difficulties in the way of giving effect to this proposal. It is not a fact that I have not gone through the debate which took place last year and also in September, 1932. I am only asking for the transfer of the portfolios under the present Government of India Act. As I have already said, the highest legal opinion available in England is that you can under the present Act transfer all the departments under the control of popular Ministers except one. I think this question was pointedly brought forward by Mr. B. C. Chatterjee in his speech on the 15th February, 1932. I think there cannot possibly be any difficulty if all the subjects, excepting one, are transferred.

The Hon'ble Mr. W. D. R. PRENTICE: I would only like to point out that I was dealing with the resolution as it was moved. The mover did not say "all the subjects except one."

The motion was put and lost.

Collection of land revenue.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I beg to move that this Council recommends to the Government that the collection of land revenue and cesses be suspended for one year in view of the prevailing economic distress.

In moving this resolution I am fully conscious of our deficit budget. I am also conscious that with the fall of revenue the administration cannot go on. I am equally conscious—if not more—that the *zamindars* have no capacity to pay revenue and cesses during this economic crisis Bengal is passing through. Why in every district a large number of revenue-paying *zamindaries* and *taluks* are advertised for sale daily for the non-payment of revenue and cess? And what is more, a pity, there is hardly any buyer for these lands. Why? Because of two reasons. First lands have lost their value on account of the modern encroachment on the *zamindary* rights and, secondly, there is no money in the hands of the buyers. The tenants do not and in many cases cannot pay to the landlords their usual rents. And rent suits partake of "law's delay" and uncertainty. The landlords cannot borrow. The *zamindars* have lost their borrowing capacity mainly for three reasons. They have already mortgaged their *zamindary* rights and there cannot be a second or third mortgage now, because the value of *zamindary* has fallen. Nobody is willing to finance the *zamindars* because the financiers do not know where would the *zamindars* go—to what more depth they will fall. Even the money-lenders have no money to lend. This is the situation we have to face. Under these economic conditions—the like of which Bengal never felt before in recent years—in spite of the best wishes—the *zamindars* cannot pay their revenue and cesses for no fault of theirs. So is it too much for the *zamindars* to pray for relief for one year only? I hope not. I know the counter arguments will be put forth that then the tenants also will not pay the landlords for the same period of one year. Yes, in one sense it is just. But to be more just I should suggest that the tenant will not be liable to pay the rents of the current year, but he will be liable to pay the arrears during this one year. Otherwise limitation will operate against arrears standing over three years. If the Government cannot find its way to accept my proposal in full, I should then like to suggest that in extreme cases of hardship of the *zamindars* this provision will operate and the Collectors will have the discretionary power to ascertain such extreme cases of hardship.

With these humble suggestions, I beg to commend my resolution to the acceptance of the House.

Mr. ANANDA MOHAN PODDAR: Sir, I rise to move the amendment standing in my name, namely, to insert the words "in case of excessive hardship" after the end of the resolution.

Those who are acquainted with the condition of rural Bengal to-day, must know the miserable plight of the tenants and landholders of Bengal owing to the economic distress. To-day the classes and masses are both hard hit—trade, commerce and industry of the land are crippled and everything is appearing gloomy. Those who are living in towns or those who have got a fixed salary can hardly realize how the days are going

on with the people who depend for their maintenance on agriculture or on the income of land. In the *Calcutta Gazette* we find every week many big and small estates notified for sale for default in the payment of Government revenue and road cess. The agriculturists are the backbone of all trades, commerce and industry and the proportion of people who live on the income of landed property in Bengal, is not at all small. Many landholders who somehow manage the payment of Government revenue are in arrears for several quarters in the payment of road cess. Certificates and distress warrants are being issued for the realisation of the revenue and cesses in arrears. In these hard times the landholders are not responsible for such defaults when paddy is selling in the interior at the rate of two maunds for a rupee and a maund of jute would not fetch more than two rupees which is hardly a fourth of the cost of production—the plight of the cultivators may well be realized. It is rather cruel to demand of him the payment of his rent, the cesses superimposed on it. The landholders are not pressing the tenants for the full payment of either rent or cess and have to remain satisfied with what the *raiyats* voluntarily pay. So the burden of payment of cess on landholders is often heavier than the revenue as they have to pay their own share as also the tenant's share which they cannot realize. Surely in such circumstances the landholders and also the *raiyats* are entitled to be relieved of the burden of land revenue and cesses in such cases where it is causing excessive hardship. Had there been no permanent settlement in Bengal, the Bengal Government would have had to face much more recurring budget deficits during these abnormal times. In spite of their own hardships, the landholders of Bengal, the *zamindars*, the *patnidars* and *talugdars*, as well as the tenants have so long supplied the Government revenue and cesses to the best of their capacity. The Government should now come forward to help landholders and tenants of Bengal in their distress. This temporary measure of relief is not too much to ask. It is not that all land revenue collection should be stopped, but it should be stopped temporarily in cases in which it is causing excessive hardship. If the present state of things is allowed to continue, it will not only ruin the landholders and tenants of Bengal, but the situation in the country will be rather serious.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I rise with a trepidation but with a full sense of responsibility—trepidation because I am always afraid of the unmerited attacks which are frequently made against the *zamindars* of Bengal by the members on my left. It was only yesterday that criticisms were levelled against the *zamindars* in various ways and not a word of sympathy was uttered in their hour of dire distress. Although this resolution does not concern the tenants directly, I am sure no support will be coming from the gentlemen on my left. It is well known that the *zamindars* have been eking out a miserable existence for the last two or three years and on account of the low

price of jute and the consequent non-realisation of rents the *zamindars* are finding it very difficult to pay Government revenue and cesses and also to meet their other expenses. Although the Government have been somewhat liberal in relaxing the rules regarding the realisation of cesses, nothing has practically been done regarding the realisation of revenue. It may be said that the tenants are also hard hit by the present economic distress. It is so, but the condition of the tenants and of the ordinary people is not so bad as that of the landlords, because the former have got paddy in abundance which can keep them alive, whereas the *zamindars* have got to maintain themselves from rents derived from lands and for some years no rent has been paid. If this sort of things continue for another year or so, the *zamindars* will be wiped away altogether. With these words, I support the resolution moved by my friend, Rai Bahadur Satyendra Kumar Das.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not sure if the Rai Bahadur, the mover of this resolution, wants it to be taken very seriously. In saying this I do not for a moment mean to say that Government do not realise the difficulties of *zamindars*. Indeed, as in the course of a debate on another subject I pointed out yesterday, everybody is very hard hit—*zamindars*, tenure-holders, *raiyats* and every one else—but my friend, the Rai Bahadur, forgets that if this resolution were to be accepted, it is not merely revenue but cesses also would not be collected and then the district boards will have to shut up shop. Furthermore, it is not right to say that the *zamindars* did not get any relief. Rai Bahadur Keshab Chandra Banerji pointed out—perhaps he sees the matter from the point of view of the district boards as well—that local officers have not been issuing more certificates than they could help. So long as the law stands as it is, it is the duty of the local officers to realise what should be realised. Wherever suitable cases have been made out they have been dealt with considerately and sympathetically in regard to realisation of cesses.

In regard to the realisation of revenue, Government have also helped the landlords in all possible ways. It is not right to say that a large number of estates have been sold. From the figures which I gave in answer to a question, it is true that a fairly large number were advertised for sale, but fortunately the number of *zamindaries* actually sold is remarkably small. The fact of the matter is that not only the *zamindars* and tenure-holders but agriculturists and most other people have been to a large extent living on their past resources. The hopeful sign is that all people have been trying to adjust themselves to the altered circumstances. Now, if the collection of revenue were to be suspended, then it will have to be done under the rules of the Tauzi Manual which are of all-India operation. It is necessary before revenue is suspended in a permanently settled area that test works should be opened in the district

in which the estates are situated. The applicant landlord is also required to give a written undertaking not to collect any rent during the period for which he applies for suspension of revenue and to satisfy the Collector that there are substantial current and arrear rents which have not been collected. A moment's consideration will satisfy every one that the present unfortunate distress is not a distress of food, but it is a distress due to want of money. Food, on the other hand, is plentiful and cheap and that is one of the difficulties of the *zamindars*. Therefore, under the Tauzi Manual no relief on the ground of low price of commodities can be given so far as suspension of the land revenue is concerned. But from the time the economic distress began many *zamindars* have got nearly three months' time to pay their *kists*; not only that, but in suitable cases the Collector has given even more time. After all I must say also that the tenants in this time of economic distress have behaved, with rare exceptions, wonderfully well. The relationship between the landlords and tenants during the last year or two has been better than what it was previously and that is a very hopeful sign of the time, and the reason perhaps is common distress for all parties concerned. Therefore, if a *zamindar* has, say, Rs. 300 to receive and if the tenant somehow gathers and pays him even Rs. 100 under the present difficult conditions when jute and paddy are selling at so low a price, it cannot be said that the tenants are not trying to do their best. So far as agricultural tenants are concerned, from the reports we have got from most districts it appears that they have been trying to pay their dues, but the lot of the poor tenure-holder is far more serious. If a poor tenure-holder has to realise Rs. 80 or so, he has not got the machinery like the richer landlord to realise the amount and if he realise difficulty, he is not able to pay to the superior landlord. That is a difficult factor. Therefore, the Rai Bahadur will be ill-advised to press a resolution like this at the present time. Governnntent have been carefully watching the situation, and whatever relief is possible under the existing law such relief is given to all parties concerned, and Government cannot give relief to *zamindars* without giving relief to tenure-holders and agriculturists also. Supposing, as a price for temporary suspension of revenue it was insisted that you must not collect your rent—that is what the Tauzi Manual says—not merely current rent, but also arrear rent, what would then happen? One of the speakers in his generosity said that he was prepared not to collect his current rent. Well, he is unable to collect the current rent now, but if he collects it afterwards with interest, the test of the Tauzi Manual may not be satisfied. Would it not be better for all parties to try and adjust things, but if the situation requires further consideration, I can assure the House that Government collectively will go into the matter with sympathy and consideration, but the problem is by no means so easy as some people seem to think. I hope, Sir, after this statement of mine the hon'ble mover will see his way to withdraw the motion.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, in view of the assurance given by the Hon'ble Member that three months' time will be given before the sale——

The Hon'ble Sir PROVASH CHUNDER MITTER: Please do not misquote me. What I said is that the Collector takes money even at the time of the actual sale and if exceptional grounds are put forward, the Collector even gives further time for payment.

Mr. PRESIDENT: That is immaterial. If the mover withdraws his resolution, he must do so unconditionally.

The motion was then, by leave, withdrawn.

Adjournment.

The Council then adjourned till 3 p.m. on Thursday, the 23rd February, 1933.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 23rd February, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 108 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Chittagong Medical School.

*10. **Rai Bahadur KAMINI KUMAR DAS:** Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government are considering the desirability of allotting the remaining portion of the collective fine or a sufficient part of it, for the improvement of the Chittagong Medical School?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): In paragraph 2 of Resolution No. 23860P., dated 5th December, 1932, Government stated they would consider in the light of the results of the efforts made by the inhabitants of Chittagong to assist Government in dealing with the menace of terrorism whether they would be justified in returning in whole or in part the sums already collected or applying the money to local needs instead of to the general requirements of the province. In the opinion of Government it is still too early to judge whether such results as were contemplated in the communiqué are being achieved.

Remission of collective fine.

*11. **Rai Bahadur KAMINI KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government are considering the desirability of remitting the amount of the collective fine not yet realised?*

(*b*) Is the Hon'ble Member aware that the persons concerned are really unable to pay?

(*c*) Are the Government considering the desirability of remitting the whole or a portion of the collective fine to those persons who have not been proved to have any connection with the revolutionaries?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) and (*b*) No.

(*c*) The grounds on which remission will be considered are those set forth in notification No. 20726P., dated 25th October, 1932, and in the communiqués, dated 5th and 9th December, 1932.

Mr. NARENDRA KUMAR BASU: May I inquire if one of the methods by which the Government think that the inhabitants of Chittagong will be assisting Government is by the number of persons arrested?

The Hon'ble Mr. W. D. R. PRENTICE: It is an indication of whether they are going to co-operate instead of, as in the past, to non-co-operate.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if the Government have been able to secure any evidence as a result of the imposition of those collective fines?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice of that question.

Process-servers' Association.

***12. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the District Judges intend to treat the Process-servers' Association as the process-servers have alleged in the proceedings of their annual conferences?

(*b*) Will the Hon'ble Member be pleased to state why the Secretary and the Assistant Secretary of the Bengal Process-servers' Central Association have been transferred from their former stations?

(*c*) Are the Government considering the desirability of inquiring into the allegation that the Process-servers' Association members are generally transferred hither and thither without any sufficient reason?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*), (*b*) and (*c*) The member is referred to the answer given to a similar question by Babu Amulyadhan Ray.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state how many questions have been put regarding the process-servers and how many are still pending?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid the number of questions regarding the process-servers and the Process-servers' Association is entirely out of proportion to the importance of the subject.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Process-servers' Conference.

11. Babu LALIT KUMAR BAL: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government received a copy of the resolutions passed at the Bengal Process-servers' Thirteenth Annual Conference held at Khulna during the last Xmas holidays?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action has been taken on them?

(*c*) Will the Hon'ble Member be pleased to state when the revised rules for granting pensions to the process-servers on the enhanced rates will be given effect to?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) The questions are under consideration.

(*c*) It is not possible to make any statement on this subject.

Unlawful associations or samitis.

12. Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member in charge of the Political Department be pleased to place on the table a list of associations or *samitis* which have been suppressed as unlawful associations under the Ordinances during the last year?

The Hon'ble Mr. W. D. R. PRENTICE: No associations or *samitis* have been suppressed as unlawful associations under the Ordinances

during the last year, but certain associations were declared unlawful under the Indian Criminal Law Amendment Act, 1908. For particulars of these associations the member is referred to the relevant issues of the *Calcutta Gazette*.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to give the dates of those issues of the *Calcutta Gazette*?

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member will come to me, I will show them to him. They fill many pages.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state the number of associations suppressed in this way?

The Hon'ble Mr. W. D. R. PRENTICE: As far as I recollect 871, but I am not sure about the exact figure.

Process-servers.

13. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the process-servers, while waiting for processes at head-quarters, are expected to stop at town and make their own private arrangements?

(*b*) Is the Hon'ble Member aware that the post office overseers, the police jamadars and the excise peons are given Government quarters or house rent allowances?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons for such differential treatment amongst officers of the same cadre under the Government?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes, like most other employees of Government.

(*b*) No such privilege is given to post office overseers. The only excise peons who get rent-free quarters are those who are employed on patrol duty or as guards at warehouses, distilleries. Police head constables get free quarters.

(*c*) Conditions of service necessarily vary with the nature of the service.

Ministerial officers and process-servers of the 24-Parganas.

14. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing separately for the years 1930, 1931 and 1932 the number of ministerial officers and process-servers in the district of the 24-Parganas—

(*i*) who have been granted extension on completion of 30 years' service or on their attaining 60 years of age;

(*ii*) who have been kept in the same stations for periods exceeding 5, 10 and 15 years separately; and

(*iii*) who have been transferred more than once in each calendar year?

The Hon'ble Mr. W. D. R. PRENTICE: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 14.

	Granted extensions on completion of 30 years' service or on their attaining 60 years of age.			Kept in the same stations during 1930-32 for periods exceeding —			Have been transferred more than once in each calendar year during 1930-32.	Remarks.
	1930.	1931.	1932	5 years.	10 years	15 years.		
Ministerial officers.	4(*a*)	4(*a*)	1(*a*)	49	26	23	2	(*a*) On completion of 30 years' service. (On attaining 55 years of age.)
Process-servers.	9(*b*)	4(*b*)	9(*b*)	18	55	147	2	(*b*) On attaining 60 years.

Extension of the life of the present Council.

15. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Will the Hon'ble Member in charge of the Appointment Department be

pleased to state whether it is the intention of the Government to prolong the life of the present Council till the next constitutional reforms?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state—

(*i*) when fresh general elections are going to be held for the next Council; and

(*ii*) whether a fresh electoral roll is being prepared?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to state on what basis the electoral roll is being prepared?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Intimation has been received that it is the intention of His Majesty's Government to promote in Parliament at an early date legislation to enable the life of the Council to be extended.

(*b*) and (*c*) Do not arise.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state for what period the life of the Council is likely to be extended?

The Hon'ble Mr. W. D. R. PRENTICE: I can give you no more information than what appears in the answer to the question.

Mrs. Kamal Kumari Ghose, a civil disobedience prisoner.

16. Maulvi MUHAMMAD FAZLULLAH: (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware of the ailment of Mrs. Kamal Kumari Ghose, a civil disobedience prisoner from Noakhali, now undergoing imprisonment in the Berhampore Jail (Female)?

(*b*) Is it a fact that the lady has been suffering from eye troubles?

(*c*) Did the Hon'ble Member receive a petition from Babu Harinath Ghose, a pleader of Noakhali, the husband of the lady, wherein the petitioner has prayed for making necessary arrangements for her treatment?

(*d*) Will the Hon'ble Member be pleased to inform whether any arrangement has been made for her treatment?

(*e*) If the answer to (*d*) is in the negative, what arrangements do the Government propose making for her treatment?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*), (*b*) and (*c*) Yes.

(*d*) The prisoner's ailment is reported to be neither serious nor urgent. Besides the ordinary jail medical treatment, she has been attended to by an eye-specialist, but on 18th December, 1932, she refused to appear before the latter for examination.

(*e*) Does not arise.

Mrs. Kiran Prabha Chowdhury, a civil disobedience prisoner.

17. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that Mrs. Kiran Prabha Chowdhury, a civil disobedience prisoner from Noakhali, now undergoing imprisonment in the Berhampore Female Jail, has been suffering from asthma?

(*b*) Will the Hon'ble Member be pleased to state whether the lady has been placed under proper treatment?

(*c*) If the answer to (*b*) is in the negative, what arrangements do the Government propose making for her treatment?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) It is reported that on the 13th December, 1932, the prisoner complained of asthma for which she was treated. Since 21st December she has not complained of it again.

(*c*) Does not arise.

Process-servers' Association.

18. Babu AMULYADHAN RAY: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the District Judges of Alipore and Howrah intend to treat the Process-servers' Association as the process-servers have alleged in the proceedings of their annual conference?

(*b*) Will the Hon'ble Member be pleased to state why the Secretary and the Assistant Secretary of the Bengal Process-servers' Central Association have been transferred from their former stations?

(*c*) Are the Government considering the desirability of inquiring into the allegation that the Process-servers' Association members are generally transferred hither and thither without any sufficient reason?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No resolution dealing with this subject was passed at the annual conference and Government have no knowledge of what this question is intended to refer to.

(*b*) Process-servers are transferred by District Judges in the exigencies of the service. Government have no information regarding the circumstances of these two transfers.

(*c*) If the honourable gentleman will furnish Government with facts in support of the allegation, the question of an inquiry will be considered.

NON-OFFICIAL BUSINESS

NON-OFFICIAL MEMBERS' BILLS.

The Bengal Money-lenders' Bill, 193 .

The Hon'ble Mr. W. D. R. PRENTICE presented the Report of the Select Committee on the Bengal Money-lenders' Bill, 193 .

Khan Bahadur Maulvi AZIZUL HAQUE moved that the said Bill be taken into consideration.

Mr. NARENDRA KUMAR BASU: I move that the Bill be recommitted to the Select Committee.

It will be seen that the Bill has been considerably modified by the Select Committee. In fact a new Bill has emerged out of the Select Committee. One of the principal objects was the suppression of the Kabuli money-lenders. That has entirely gone out; and so far as the rate of interest is concerned it has been reduced out of all proportion to the proposal made. I therefore move that the Bill be recommitted to the Select Committee.

Khan Bahadur Maulvi AZIZUL HAQUE: Before you put the question, Sir, I should like to have one or two points cleared by you, Sir, as also by the Hon'ble Member in charge of the Political Department before I decide to make up my mind about this matter. Supposing the Bill is recommitted to the Select Committee, will the Select Committee take into consideration this Bill as amended as also the original Bill or any other questions which will be brought forward? That is my first point. My second point is, will the Select Committee be convened in time for the presentation of the Bill at the next session of the Council?

The Hon'ble Mr. W. D. R. PRENTICE: As far as I understand the Rules and Orders governing the procedure of this House, it is open to members to move that the Bill be recommitted to the Select Committee. It seems that when the Select Committee again reports, the Bill will be at the same stage practically as it is now. You will be able to move for its consideration as it emerges from the Select Committee, subject to the ruling of the Hon'ble President. Supposing the Select Committee makes alterations in the Bill or supposing that they send it back as it is, it will be open to you all the same to move for its consideration. That, I think, is the position and in view of the fact that it is probable that the life of the Council will be extended you will be in exactly the same position as you are now.

Khan Bahadur Maulvi AZIZUL HAQUE: Supposing the Select Committee does not meet at all.

The Hon'ble Mr. W. D. R. PRENTICE: I think you can take it that the Hon'ble Member in charge of the department concerned will have the Select Committee summoned.

Mr. PRESIDENT: The Hon'ble Member has fairly explained the situation but I think I should add that the committee will again have a free hand in regard to the texts of the Bill; but it can do certain things on its own initiative and such actions are called *permissive*. The Council on the other hand can, by special instructions, make the committee do certain things which, in parliamentary language, are termed *mandatory*. The movements and progress of the committee will chiefly depend on its members.

3-30 p.m.

Maulvi ABUL KASEM: I rise to oppose this motion. No useful purpose can be served by the motion except putting off the consideration of the Bill, and no reasons have been given why this Bill should be recommitted to the Select Committee for their reconsideration. I can imagine that the object of the motion is to delay consideration, or, practically to shelve it; in that case the proper course for my friend would have been to propose that the consideration of the Bill be postponed *sine die*. I think that is the parliamentary practice by which a Bill is refused. The Select Committee that will again consider the Bill will be the very same people who have considered the Bill already. There was neither immediate haste nor hurry when they first considered it. So I think that recommittal of the Bill to the Select Committee without any mandate as to the lines on which they should consider it afresh, is absolutely useless. The straightforward course

will be either to consider the Bill in this House and now, or to throw it out. Either postpone it *sine die*, or say flatly that you do not want such a measure.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, may I explain? The reason why Government will support this motion for recommitting to the Select Committee is that the Bill has emerged from the Select Committee in a very different form from that in which it went in. In the Select Committee, as in every Select Committee, naturally every endeavour was made to harmonise opposing views. One point that we had before us was that this was probably the last session of the Council and we had to produce something for the Council to consider before the Council was dissolved. Conditions, however, have altered since then, as was made clear this afternoon in answer to a question asked by the Maharaja of Kasimbazar, and it is likely that the life of the Council will be extended; Government, therefore, want time now to see whether the provisions of the Bill as it has emerged from the Select Committee are to the best interest of the province. There was considerable difference of opinion in the Select Committee about the provisions of this Bill. It is full of figures, rates, periods and things like that, and before Government decide to support a Bill on a very difficult subject, like this, they would like to consult their officers about the provisions of the Bill, the judicial officers as to the effect it will have on the working of the courts; and more especially the revenue officers as to the effect the provisions will have on the economic situation. The money-lender is not always an evil. Those of you who live in the *mufassal* know that the economic life there could not go on without the money-lender, so that if you are going to get such a Bill passed, you have got to see—and it is fair and reasonable—that its effect will not be to restrict the amount of capital available to the cultivators in the *mufassal*. It applies to others besides cultivators, but I am looking at the Bill now from the point of view of the interest that the general public take in the cultivators. From the amendments put in, it appears that there is a great deal of difference of opinion as to what rates are reasonable, and we want to have the views of our officers on the rates embodied in the Bill. We are not going to kill the Bill; there is no such intention. All that we want is more information placed at the disposal of the Select Committee to see that the rates they recommend are beneficial in their effect and are really workable and in the best interests of the province. There is no question of killing the Bill and the apprehensions of Maulvi Abul Kasem are entirely unfounded.

Mr. SHANTI SHEKHARESWAR RAY: I have no objection to the Bill being recommitted again to the Select Committee. But I would like your ruling on one point. In the Select Committee I raised

the question whether we could make a provision for the declaration of a moratorium in connection with this Bill. The Hon'ble Mr. Prentice who presided over the deliberations of the Select Committee——

Mr. S. M. BOSE: Can the hon'ble member discuss on the floor of the House what occurred in the Select Committee?

Mr. PRESIDENT: I think Mr. Ray should not raise that point here.

Mr. SHANTI SHEKHARESWAR RAY: I am not raising any point discussed, or any decision or any speech, made in the Select Committee; but I am asking for a ruling from the Chair on a very important matter, that is, whether the question of the declaration of a moratorium comes within the purview of this Bill or not.

Mr. PRESIDENT: But how does that question arise at all, at this stage? Unless you bring in what had actually happened in the Select Committee, you can hardly make out your point.

Mr. SHANTI SHEKHARESWAR RAY: In that case I would suggest that if this Bill is recommitted this very important matter should be one of the subjects that should come up for discussion. The pressing problem before the country to-day is not merely the question what should be the rate of interest but——

Mr. PRESIDENT: I think you are a member of the Select Committee. The best thing for you to do will be to raise the question before the Select Committee when the Bill is recommitted and to appeal to the Chairman of the Committee to decide whether you could raise a point like that and whether it was relevant to the text of the Bill. This is not the occasion nor the place to raise a question like that.

Mr. SHANTI SHEKHARESWAR RAY: But, Sir——

Mr. PRESIDENT: My ruling is definite on the point.

Mr. SHANTI SHEKHARESWAR RAY: Can I not make a speech on the subject?

Mr. PRESIDENT: Order, order.

Rai Bahadur JOGESH CHANDRA SEN: Sir, a similar amendment stands in my name.

Mr. PRESIDENT: It appears you have given notice of a similar motion which has been moved by Mr. Basu. You can of course speak on this motion if you want to do so.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I support wholeheartedly the motion moved by Mr. Narendra Kumar Basu. I have carefully gone through the Bill as it has come out from the Select Committee as well as the original one. As far as this Bill is concerned the points struck me most—a newcomer to this august assembly—were the square brackets and the bold black underlines. There were 19 clauses in the Bill, 13 clauses have been omitted altogether and 6 were changed considerably—I must say beyond all recognition. Now, the shadow even does not remain over which we can fight. The public should therefore be given a chance to examine this Bill in its new form and life. My next point is, Sir, is it necessary at all? By introducing this Bill you will only drive the sin underground, just as the terrorist movement. The greedy money-lender will have his pound of flesh, bill or no bill. He will, Sir, calculate his chicken beforehand. He will first deduct his own share in anticipation, and advance the balance; but these will never be in the document so the court of law or the Magistrate will not be able to give any relief.

Then as regards the Kabul or Afghan banker, his *modus operandi* is perhaps not known to all. Well, Sir, he will advance the money, quite in good faith, without any document whatsoever, and his trusted friend, i.e., his 5 feet long stick will be his only witness. He does not go to any court of law but he is the only party who realises his dues in full.

Now, Sir, these points refer to the unscrupulous money-lenders. As far as big and secured loans are concerned, the rate of interest now prevailing in Calcutta, as my friend Mr. J. N. Basu, who is an eminent attorney of Calcutta, will no doubt bear me out, is from 7 to 10 per cent. and I do not know if it ever exceeded 12 per cent., including promissory notes. There is, however, another set of dangerous money-lenders in Calcutta—I mean those that advance money to people known as *Kaptens*. If he really advances Rs. 3,000, he will have a document for Rs. 5,000, because the scoundrel thinks that he is taking a risk. Even in this case the law court cannot protect, neither this Bill can protect, those unfortunate wayward youths and *Kaptens*.

Then, for whom are you going to have the Bill? I have suggested recommitment, Sir, I must say, only out of modesty. The best course would be to drop it now and if my hon'ble friend the mover, who is a very intelligent legislator, can give it a practical shape he can then come forward with his new proposal. I however thank my friend for the spirit that underlies the Bill, i.e., to help the poor people from the

hands of Shylocks and Kabuli bankers; but the Bill as it stands now, I am afraid, will not answer the purpose and I have given some reasons in support of that.

With these words I support my friend Mr. Basu's amendment.

Mr. S. M. BOSE: Sir, I support this amendment. The Bill as it has emerged from the Select Committee is a hundred times worse than the Bill as it was introduced, but for that I do not think the member-in-charge is to blame. I have the utmost sympathy with the object of the Bill and I think the hon'ble member deserves our best thanks for having taken so much trouble to bring forward this very important matter before the House. But I do think that the Government should—now that their attention has been drawn to it—be good enough to take up the question because it seems to me that it is a matter in which the Government is the proper body to take the initiative, and not a private member.

Maulvi TAMIZUDDIN KHAN: Personally speaking, I am in favour of the consideration of the Bill in this session of the Council. I think that the only intention of Government in agreeing to the recommitment of the Bill is that, as it has been changed to a very large extent by the Select Committee it is but meet and proper that it should be reconsidered by the same Select Committee. It has been just explained by the Hon'ble Mr. Prentice there is no intention or motive on the part of Government to shelve the Bill for ever, but, Sir, some of the speeches that have been made from the other side of the House make me rather apprehensive. It appears that it is the intention of some of the members in that quarter to shelve the Bill altogether. If that is the object of the mover then it is a matter of grave apprehension to those who claim to represent the poorer people of this country. Money-lenders are perhaps necessary in the scheme of the economic life of this country, but I think they are a necessary evil without which you can hardly do. But even though we may recognise the utility of the money-lender in the economic life of this country, we should certainly try to make the evil element that is there, as much innocuous as possible, and I think that that is the object of the present Bill. But so far as the feeling in the country is concerned, I do not think the Bill goes far enough in seeking to give relief to the debtors of our country. We are of opinion that the Bill will not be of much aid to them and will only create certain presumptions in favour of debtors in certain cases but it will be very difficult for the poor debtors to avail themselves of the benefit of these presumptions. All the same there is a strong feeling in the country that these provisions, however unambitious, should be made into law as early as possible so that they may give the cultivators and other debtors in our country some little relief in their present distress.

3-30 p.m.

The more there is delay in doing so, the more will the feeling in the country be embittered. Every one knows that the present situation is very serious, and every bit of delay is creating a good deal of discontent amongst the people. I would therefore have liked that the consideration of the Bill was taken up in this very session. But, Sir, as has been explained, there is every likelihood of the Bill being taken up in the next session. We have already waited long, so we might wait a few months more. In that view we may agree to its postponement to the next session. But I would like to be assured that the Bill will really be considered. We do not consider the present Bill to be far-reaching enough so far as it seeks to give relief to the debtors and we controvert the idea that has been expressed by some members to my right that the provisions of the Bill are of a drastic nature.

The motion that the Bill be recommitted to the Select Committee was put and agreed to.

The Bengal Suppression of Immoral Traffic Bill, 1932.

The Hon'ble Mr. W. D. R. PRENTICE: I beg to present the report of the Select Committee on the Bengal Suppression of Immoral Traffic Bill, 1932.

The Bengal Mela Sanitation Bill, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to present the preliminary report of the Select Committee on the Bengal Mela Sanitation Bill, 1932, by Khan Bahadur Maulvi Azizul Haque.

The Bengal Wakfs Bill, 1932.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I beg to present the preliminary report of the Select Committee on the Bengal Wakfs Bill, 1932, by Maulvi Abdul Ghani Chowdhury.

Mr. PRESIDENT: I presume these reports are in the hands of the members.

A MEMBER: Yes, we have them.

The Puri Lodging House Amendment Bill, 1932.

Rai Bahadur KAMINI KUMAR DAS: I beg to move that the Puri Lodging House (Amendment) Bill, 1932, be taken into consideration.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting public opinion thereon by the 15th May, 1933, and in doing so I may submit that we have to ascertain certain administrative difficulties if the Bill is passed. They have not yet been ascertained. The Bill defines the word "pilgrims" very widely, and it would require the opinion of the District Officers how they would be able to enforce the Act if it is passed. On this ground I would request the hon'ble mover to accept my amendment

Rai Bahadur KAMINI KUMAR DAS: I accept the amendment.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

The Bengal Disorders Compensation Bill, 1932.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that the Bengal Disorders Compensation Bill, 1932, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Member in charge of the Police Department,

(*2*) Maulvi Abdus Samad,

(*3*) Maulvi Syed Majid Baksh,

(*4*) Mr. B. C. Chatterjee,

(*5*) Babu Satish Chandra Ray Chowdhury,

(*6*) Rai Bahadur Kamini Kumar Das,

(*7*) Rai Bahadur Keshab Chandra Banerji,

(*8*) Mr. Ananda Mohan Poddar,

(*9*) Maulvi Abdul Ghani Chowdhury,

(*10*) Maulvi Hassan Ali,

(*11*) Babu Khetter Mohan Ray,

(*12*) Rai Bahadur Dr. Haridhan Dutt,

(*13*) Khan Bahadur Muhammad Abdul Momin,

(*14*) Babu Hem Chandra Roy Choudhuri

(*15*) Rai Sahib Akshoy Kumar Sen,

(*16*) Dr. Amulya Ratan Ghose, and

(*17*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I have obtained the consent of all except two members, namely, Mr. B. C. Chatterjee and Babu Satish Chandra Ray Chowdhury.

Mr. PRESIDENT: Their names then go out.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I have carefully gone through the criticisms, favourable or otherwise, with regard to my Bill. I regret to say that among the unfavourable criticisms I have come across, none of the district authorities have been able to raise a new point. The District Magistrate of Midnapore (Mr. Burge) apprehends that innocent persons would be punished. But, Sir, most humbly I submit that my idea is far from it. Innocent persons must not suffer on any account. When such remarks come from a District Magistrate, I cannot but feel highly grateful to him. But, Sir, it would be treating the intellect of this legislature, certainly not with honour, if the learned Magistrate thinks that we, legislators, cannot safeguard the innocent people, when we are out to make laws for the guilty persons. It is our business here to guard and protect the innocent people. The Bankura district authority opines that the Bill should be recast by the Select Committee. He is perfectly right, and I thoroughly agree with him. The Howrah district authority has no objection. I thank him for that. But when he says that it is rather difficult to administer, my answer should be that we are passing through difficult times. When riots are frequent among a people, certainly the administration is not easy, but difficult. This measure is aimed at meeting a difficult situation. Coming from Dacca, as I do, Sir, you will pardon me if I make this observation.

The district authority of Hooghly says, let me quote him, "the Bill is necessary in view of the present disturbed political conditions." Sir, I offer my thanks to him.

The Chief Presidency Magistrate of Calcutta says—I quote him too —"it is a necessary measure and should be put in the statute book of Bengal which lags behind the other provinces in this respect." I am very grateful to the Chief Presidency Magistrate of Calcutta for this straightforward remark.

Sir, these are the specimens of criticisms you have got. Do you want to throw away these criticisms into your waste-paper basket? If you do that, you will treat the sobriety and judgment of your so many district authorities with insult. I hope the Government will not do that.

Sir, I most respectfully propose that this Bill at this stage should be allowed to go into the Select Committee.

Maulvi TAMIZUDDIN KHAN: I emphatically oppose this proposal of my learned friend to refer this Bill to Select Committee. It is really a Bill of disorder. Of course, unfortunately, in this country disorders are not uncommon, and these disorders very often assume a communal aspect. No one in this country really likes these disorders, and every sane man makes every effort to suppress disorders wherever they occur. The Government and the people co-operate wholeheartedly in suppressing such disorders. If my friend succeeds in getting this Bill passed by this House, I think there will be an end of all honest attempts on the part of Government and peace-loving people to restore order after a disorder has actually taken place. The task of adjusting claims and counter claims and allocating compensation money will be such a difficult affair that it will create more disorder than the Bill contemplates to compensate for. I therefore think, Sir, that the House will not agree to the committal of this Bill to a Select Committee, and I think the House has already given sufficient expression of its opinion on previous occasions. The Bill was presented a long time ago and I think it has been already twice circulated for eliciting public opinion. The last time when the House decided to circulate it, in spite of friend's attempt to send it to a Select Committee, I think of the verdict of the House then given clearly meant that it was definitely against the adoption of this ill-conceived measure.

Mr. NARENDRA KUMAR BASU: I beg to oppose this motion. I think the remarks made by the mover of the Bill about the District Magistrates may be charitable or uncharitable, but I do think that the Bill itself shows that the mover would be better advised not to introduce this legislation. If there is one power which legislators are always chary of parting with, it is the power of taxation. Here by this Bill, my learned friend wants to give the District Magistrates and the Chief Presidency Magistrate summary power to impose taxation. I think that is something which would not be tolerated in any legislature, and apart from other considerations that being the chief element of the Bill, I think it ought to be thrown out by the House.

Babu SATISH CHANDRA RAY CHOWDHURY: I oppose this motion. I am afraid the result of passing this Bill will be quite

opposite to the intention of the mover. Communal riots are difficult to suppress, and when they are suppressed by armed force, it becomes still more difficult to restore amicable feelings between the communities; and if this Bill is passed, claims and counter claims will be presented to the authorities, and the result will be to keep alive the communal fire for a longer period than would otherwise be the case. My friend comes from a place which had a bitter experience of communal riots like myself, and my experience is that the sooner these matters are forgotten the better for all concerned. Reconciliation between the communities that is sought to be effected will become very difficult if these claims and counter claims are presented and the authorities will have to settle them in the light of evidence which is brought forward, because the evidence in such cases will often be tainted and misleading; each party will come with its own story in order to support his claim and the result will be that the authorities will become perplexed and bewildered and injustice will certainly result in many cases, leaving the feeling more bitter than would otherwise be the case. So I think the Bill ought to be dropped and at the same time I hope we have heard the last of these communal disorders and that we shall be free from these communal riots in future.

3-45 p.m.

Khan Bahadur Maulvi AZIZUL HAQUE: I am thankful to my friend, Mr. N. K. Basu, and my friend, who has just sat down, for pointing out the very dangerous character of a Bill of this nature. I am surprised that my friend who was so vehemently against the imposition of a collective fine levied by the Executive Government should now come forward with a Bill which empowers the imposition of a collective fine by one man, the District Magistrate or the Chief Presidency Magistrate, and I may say in this connection that in spite of the fact that there are District Magistrates of which every Government may be proud of, there are also District Magistrates whom the people and the Government would like to get rid of as soon as possible. That being so, it will be a most dangerous instrument in the hands of the District Magistrates; I do not mean all the District Magistrates. I think my friend who is an expert in money-lending should stick to his own business and leave this business to others. I am surprised to find that my friend without attempting to give any definition of the conduct for which a certain ward would be liable to a collective fine should propose its imposition. I do not know where he got this lesson, but I believe this is the way in which he is carrying on his money-lending business—probably for the money borrowed by one man he would penalise the entire locality in which that man lives. I submit it will be very dangerous if on the eve of constitutional changes we introduce a Bill, the principle of which, if accepted, will be most

atrocious, dangerous and subversive of all justice. I think the House remembers, and the Hon'ble Mr. Prentice also remembers, that there was a serious riot in the district of Nadia when there were arson, threat, wholesale burning of about 250 Muhammadan houses and some murders on both sides. But both the communities went to the Maharaja Bahadur of Nadia to settle this affair including the question of compensation which was done; since then, I am glad to say, there was no recurrence of that sort of trouble. Once we empower the District Officers to deal with questions like these all the leaders of the public lose all control over the people, there will be good-bye to all amicable settlement and there would be worse disorders. I oppose this Bill lock, stock and barrel, and ask my friend to keep his laughter behind for some other time and to withdraw his Bill.

Rai Bahadur SATYENDRA KUMAR DAS: In view of the opposition from different groups I beg to withdraw my Bill.

The Bill was then, by leave of the Council, withdrawn.

The Nadia Waterways Bill, 1932.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the Nadia Waterways Bill, 1932, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Member in charge of the Irrigation Department,

(*2*) Mr. Narendra Kumar Basu,

(*3*) Maulvi Abul Kasem,

(*4*) Maulvi Syed Nausher Ali,

(*5*) Maulvi Tamizuddin Khan,

(*6*) Mr. H. C. V. Philpot,

(*7*) Khan Bahadur Muhammad Abdul Momin,

(*8*) Mr. Syamaprosad Mookerjee,

(*9*) Mr. A. F. M. Abdur-Rahman,

(*10*) Maulvi Abdus Samad, and

(*11*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I rise to oppose the reference of this Bill to a Select Committee. I made it perfectly clear at the time this Bill was introduced that Government

mainly stood out and allowed the Bill to be circulated for the purpose of eliciting public opinion thereon and stated that at the next stage Government would oppose the Bill. On that occasion I took special care to explain to the House that a Bill of this parochial nature, a Bill which concerns only one of the districts which compose this province, was of absolutely no use. As a matter of fact the reports that have so far been received from various individuals, even from the district of Nadia, have confirmed what I then stated. The Collector of Nadia says: "In the first place it may be remarked that a Nadia Waterways Board by itself will be of limited use. Very many of the channels and waterways which should be cleared are inter-district and with a similar board in the neighbouring districts to work in co-operation with the Nadia Board, the work of the latter can in the first place only be on small internal schemes. This is not to say that the Bill is unnecessary and will be wholly infructuous. A beginning must be made somewhere and it need only be remarked here that a complete scheme should be pushed on with a Provincial Waterways Board, under which there should be Divisional Waterways Boards", and so on. Here is another opinion from the Subdivisional Officer of Kushtea: "The problem of waterways is a problem for the greater part of Bengal and at least for the whole of deltaic Bengal. The reclamation of a river in one particular district does require simultaneous reclamation in any other district through which it flows. The scope of the Bill should therefore be widened." I need not quote further opinion from those that have already been received which all go to show that a Bill of this kind will serve no useful purpose. At the time of the introduction of this Bill I stated it was the intention of Government to introduce a Waterways Trust Bill which will have for its scope the whole of this province. That intention is there, and it is hoped that the Bill will be introduced, if possible, in this session or in the next. Such being the case it is useless to commit this Bill to a Select Committee. The waterways of Bengal are such that they require a comprehensive board to control them and not only that, the intention, so far as the Waterways Trust is concerned, is to invite the neighbouring provinces to come and join in the board when the board is constituted. Therefore that has a very large scope as it concerns the whole province whereas this Bill only proposes to deal with minor waterways in a single district; as such, I oppose reference of this Bill to a Select Committee.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I rise to oppose this motion. In doing so I like to submit that the district of Nadia cannot have preferential treatment. When the Government will be in a position to treat all the districts equally then and then only this Bill may come up for discussion in this Council. With these words I beg to oppose the motion.

Khan Bahadur Maulvi AZIZUL HAQUE: I am not at all surprised that Government are opposing it. This is a measure the clear scope of which is that an attempt is being made for the first time by the people of one district to improve its waterways. I must explain to the House that I am not thinking of the majestic Padma nor of the big rivers; I am thinking of the innumerable small rivulets and channels which at one time made my district famous, flourishing and of very great importance. I want to know from Government definitely when will they bring in the provincial Bill, which they have been proposing to bring forward, and by which they say, they will be able to give relief to the small waterways. Will they ask their advisers and their engineers who make projects, big projects like the Grand Trunk Canal project, the Damodar Canal project or the Madaripur Bhil Route project, what will they do for the small waterways which are entirely of local importance? They now oppose this Bill simply because the other districts will not be able to get advantage of this Bill, but why should they deprive one district if it wants to look after its own affair? After all, I am not asking Government to spend a pice from its own pocket. If I did that and they objected I could understand that in these days of financial difficulties it would not be possible for Government to help the project in any way. But what I want for my district is a power which will enable us to look after our own small waterways. What is the history of the Irrigation Department for the past few years? I am able to bring the evidence of successive district administrators who have spent their lives in looking after schemes of irrigation welfare to show that many useful schemes were killed by the Irrigation Department at the top. We want to get the power which will enable us to improve our waterways and construct bridges, where necessary, but Government say "We refuse to give you that power." I submit this is inconsistent. If it was anything in which the Government should have been interested and if it were in any other country, the Government of that country would not only help the scheme but aid it financially, but the Government here instead say that very little purpose will be served by a Bill of this nature. I want to inform the House that in my district, the district of Nadia, there are innumerable channels which were once flourishing streams and which it will never be possible to improve by the Bill which Government propose to introduce later. That Bill will not enable Government to look after these small channels unless the local people tackle them. But even then I could understand if Government actually brings in some Bill. I would have been prepared to withdraw if the Government had an actual Bill before the House. But No! Government wants to trust in the Irrigation Department with all its past. I would have been content if Government had asked for certain reserve powers of control to rest in the hands of Government and that they should have some powers in reserve so that Government may

keep ultimate control. This is the first time that Government are going against their accepted policy of helping those who want to help themselves. The Irrigation Department come before us to-day and openly say that they would not help people even if they want to help themselves. It is very easy to talk of the Provincial Waterways Trust and we have been hearing of it for the last few years, but it stands to the discredit, it stands to the utter disgrace and it stands to the utter incompetency of the department that up till now they have not been able to do anything tangible. That being so, it is impossible for me to withdraw the Bill, at this stage, though I may be prepared even later if a Government Bill is actually before the House. I am really surprised to find that the Irrigation Department without scrutinising the details of the Bill and without giving the people an opportunity to help themselves want to kill the Bill. It will alienate the sympathies of the people when they hear that even if they want to help themselves Government are not going to help them. The Hon'ble Member has quoted certain opinions; but if he comes to my district I will show him that there are hundreds and thousands of people who want some help in order to improve their waterways.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I had been there.

Khan Bahadur Maulvi AZIZUL HAQUE: I know the Hon'ble Member went there once, but if he will go again to Nadia he would learn a lesson other than what the Irrigation Department files tell him. The Hon'ble Member knows that the District Boards of Nadia and Jessore combined together to cut out a channel, but will anybody tell me how long the Irrigation Department stood in the way? Why should they stand in the way, please? I may not say it, but I feel like one who, having seen the Government at their best, feels sorry to find that Government have come to a stage in which an act of this nature is opposed by them.

4-45 p.m.

Maulvi ABUL KASEM: Sir, I rise to support my friend on my right. He has told you that the Bill which he wants to be referred to a Select Committee and hopes to pass in this Council is meant to help the people of Nadia to undertake the work of dealing with the waterways in that district. He has, however, been told by Government that they have a big scheme and that public opinion, so far as it has been ascertained, is against it. But it is a matter which rests entirely with the people of Nadia, and except the Collector of Nadia, however energetic, however flamboyant, and however tall he may be, everybody has sympathy with this Bill and if the Collector makes a mistake the people of Nadia will have to suffer for it. My friend has made one mistake

when he says that the Provincial Waterways Board has not yet been formed. He forgets that the Government in this country neither runs nor walks but crawls; but so far as this measure is concerned, it does not crawl even but actually sits tight. I cannot understand why the Government should stand in the way of the people of Nadia undertaking some work for their own benefit and for their own advantage. The only reason is that Writers' Building has got a high opinion of itself and it believes that wisdom, sagacity, experience and whatever knowledge that may be necessary for the administration are confined within the iron bars of the Writers' Building—that prison house on the north side of Dalhousie Square. As long as Government cannot divest themselves of their high personal opinion of themselves there is no hope for the people of Bengal. Nowadays in view of the forthcoming reforms, the elections, and the enfranchisement of a large section of the people, all sorts of people are coming forward as champions of the agriculturists, *raiyats* and whatever they may be. But Government have put them off by saying that they are the custodian of the interests of the masses, but here I find that for so many years the Government have been obstructing a measure that is likely to benefit the masses. Sir, it was after a great struggle that the Bengal Village Sanitation Act was passed, but on account of the apathy—or should I say the antipathy—of Government no action has been taken. The problems before the country are irrigation, drainage, and, in some parts of the country, supply of good drinking water, but Government will have nothing to do with them; they will have big schemes, research institutes and many other high-flown things because these give them an opportunity of extending patronage to some people who please them. I submit to this House that our agriculturists and our cultivators know their art and business much better than those experts who sit in the Writers' Buildings, but they do not get any support or sympathy from the latter.

Mr. C. C. COOPER: I feel somewhat diffident in speaking following on the electioneering speech of the President of the Mischief Makers' Association, but our group do feel considerable sympathy with the object of this Bill and with its author. Anybody who does make an honest attempt to help the people with a good object in view, is to be encouraged. There is a great deal of truth in the saying that this small Bill will be more useful than the big Bill, because in the big Bill the object of the little Bill is likely to be overlooked. Yet however one may feel attracted by this Bill and may wish to encourage the idea of it, yet practical considerations must always outweigh sympathetic considerations. So far as I can see, the object of this Bill is to provide money for improving all the local waterways in the Nadia district; but so far as I have been able to understand the Bill, it does not provide the sinews of war. It purposes to divert funds of the district board for the purpose of providing waterways, but apart from

legal objections to the Bill, I understand, this board has its hands full with other objects. Well, Sir, while we sympathise with my friend, the mover of the Bill, we hope he will not be discouraged from carrying on his good work, but for practical considerations we are unable to support his Bill.

Rai Bahadur JOGESH CHANDRA SEN: Sir, half an hour before I had occasion to oppose my friend Khan Bahadur Azizul Haque, but this time I have much pleasure in supporting him with great enthusiasm. Because he is endeavouring to find a remedy for his own district, that is no reason why we should not extend a helping hand to him. I would appeal to the Hon'ble Member-in-charge to reconsider the matter and extend a helping hand to him. I am also connected with a district board and I can very well gauge his feelings in this matter, and I am also thinking of just a thing like this. If all members of the different districts can feel like this, then I think the remedy will be near at hand. With these words I support my friend Khan Bahadur Azizul Haque.

Mr. P. BANERJI: I beg to support wholeheartedly the motion of Khan Bahadur Azizul Haque. Mr. Cooper has just given the Khan Bahadur a sugar-coated pill to swallow. He has just pointed out that he has every sympathy with the Bill and that such a Bill is necessary, but at the same time he says there is no provision for the sinews of war. I think that that is not his look out. If he feels that such a Bill is necessary then it is up to him to support it. I must say candidly that I have never seen the European group opposing the Government even when they think that certain measures are necessary. I would request the British members of this House that if they feel that a certain measure is good for the people of Bengal, they should give their support to such a measure. Sir, some time ago several measures came up before the Council. It was thought that if the Mathabhanga canal is opened up and the water is allowed to pass through the Bhairab and Navaganga, then the best parts of the districts of Nadia, Jessore and Khulna will be benefited and malaria will go and cultivation will also improve. Now, Government always think of a big measure and unless they can come out with a big scheme they would not allow anybody to set things right. It might be within the knowledge of the members of this House that on account of the silting up of the Navaganga and the Bhairab more than two lakhs of people have died and if this scheme of the Khan Bahadur is now accepted, then at least, so far as the Nadia portion of this province is concerned, this Waterways Bill will make a great improvement. This will also automatically clear the other portions. Just as the District Board of Jessore has removed the grievances of the people to a certain measure, by opening out a canal, similarly the District Board of Nadia by the help of this Bill, will be able to remove

the grievances of the people of the locality. Therefore, I hope Government will reconsider their attitude and accept the motion of the Khan Bahadur.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I beg formally to move, by way of amendment, that the Bill be re-circulated for the purpose of eliciting further public opinion thereon before the 30th June, 1933.

The motion was then put and lost.

The original motion was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Ahmerzuman.
Chowdhury, Maulvi Nural Absar.
Ezaufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Haque, Kazi Emdadul.
Hussain, Maulvi Muhammad.
Kassem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Yamiuddin.
Maiti, Mr. S.
McGlashan, Mr. E. T.
Momin, Khan Bahadur Muhammad Abdul.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Surat Chandra.
Poddar, Mr. Ananda Mohan.
Qussem, Maulvi Abul.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Amulyadhan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nagendra.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Jogesh Chandra.
Shah, Maulvi Abdul Hamid.
Sircar, Dr. Sir Nilratan.

NOES.

Afzal Nawabzada Khwaja Muhammad, Khan Bahadur.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Surat Chandra.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Blandy, Mr. E. R.
Bose, Mr. S. M.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Henderson, Mr. A. G. R.
Hogg, Mr. G. P.
Hooper, Mr. G. S.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Khan, Maulvi Amiruzzaman.
Khan, Mr. Nausar Rahaman.
Law, Mr. Surendra Nath.
Magaire, Mr. L. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mittra, Babu Surat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Babu Suk Lal.
Nag, Reverend S. A.
Nandy, Maharaja Srie Chandra, of Kasimbazar
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. S. V.
Prentice, the Hon'ble Mr. W. D. R.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Ray Chowdhury, Mr. K. G.
Reid, Mr. R. N.
Roy, Mr. Balleswar Singh.
Roy, Mr. Surat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Roy Chowdhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Sarker, Rai Sahib Robati Mohan.
Sen, Mr. S. K.
Sen, Rai Sahib Akshoy Kumar.
Singleton, Mr. N. E.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 31 and the Noes 55 the motion was lost.

The Council was then adjourned for 15 minutes for prayer.

4-45 p.m.

(After adjournment.)

The Bengal Municipal (Amendment) Bill, 1933.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move for leave to introduce a Bill to amend the Bengal Municipal Act, 1932.

The Secretary then read the short title of the Bill.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that the Bill be taken into consideration.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting public opinion thereon by the 15th of May, 1933.

In doing so I beg to sumbit that this Bill proposes to introduce not only formal amendments, but certain amendments which will affect the principle of the Act passed only a few months ago and enforced only on the 1st December, 1932. I think it is not very desirable that this House should undertake the amendment of an Act which has just been passed. Elections under the new Act will take place at the end of March, 1933, so I hope the hon'ble mover will accept my amendment

Rai Bahadur SATYENDRA KUMAR DAS: In view of the statement made by the Hon'ble Minister, I accept his amendment.

The motion that the Bill be circulated for the purpose of eliciting public opinion thereon by the 15th May, 1933, was put and agreed to.

The Bengal Alluvial Lands (Amendment) Bill, 1933.

Mr. MUKUNDA BEHARY MULLICK: I beg to move for leave to introduce a Bill to amend the Bengal Alluvial Lands Act, V of 1920.

The Secretary read the short title of the Bill.

Mr. MUKUNDA BEHARY MULLICK: I beg also to move that the said Bill be circulated for the purpose of eliciting opinion thereon before the 31st March, 1933.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, if you will permit me to say a few words at this stage, it will save the time of the

House. I may inform the House that Government is practically ready with the draft of a Bill. We admit that there are certain defects in the Bill which ought to be remedied, but we do not think that the Bill as introduced by Mr. Mukunda Behary Mullick will serve the purpose. For that reason I would ask Mr. Mullick, if he has no objection, to withdraw the Bill for the present, because if this Bill is before the House it will be difficult to introduce our Bill. If he withdraws his Bill and waits for a little while, and if he finds that we have not introduced our Bill, I can assure him that it will be perfectly open to him to introduce his Bill at the earliest possible opportunity. The draft is in progress and we shall send it up for the sanction of the Government of India. I hope it will be possible to introduce our Bill in the next session.

Mr. MUKUNDA BEHARY MULLICK: In view of the assurance given by the Hon'ble Member, I beg leave to withdraw my Bill.

The motion that the Bill be withdrawn was then put and agreed to.

The Bengal Municipal (Amendment) Bill, 1933.

Babu JITENDRALAL BANNERJEE: I beg to move for leave to introduce a Bill further to amend the Bengal Municipal Act, 1933.

Mr. S. M. BOSE: We have not received copies of this Bill.

Babu JITENDRALAL BANNERJEE: There are no spare copies of the Bill. I have simply asked for leave to introduce a Bill.

Mr. PRESIDENT: I think Mr. Bannerjee can ask leave of the House to introduce a Bill.

The motion was then put and agreed to.

The Secretary read the short title of the Bill.

Babu JITENDRALAL BANNERJEE: If I do not take any further action, what will be the position, may I know?

Mr. PRESIDENT: Your Bill stands introduced, that's all.

Mr. S. M. BOSE: On a point of order, Sir. Will the Bill be circulated?

Mr. PRESIDENT: No motion to that effect has been moved. He has only introduced the Bill.

Mr. S. M. BOSE: My point is, does everything stop here? Can this Bill be circulated for opinion after being introduced only?

Mr. PRESIDENT: Certainly not, unless the House carry a motion to that effect. He has only introduced the Bill and action will now be taken in accordance with section 49 of the Rules and Standing Orders to publish the Bill in the *Calcutta Gazette*.

The Calcutta Municipal (Amendment) Bill, 1933.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I beg to move for leave to introduce a Bill to amend the Calcutta Municipal Act, 1923.

The Secretary then read the short title of the Bill.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I beg also to move that the said Bill be taken into consideration.

This is a very small Bill, practically affecting only one section of the Act. When I first gave notice of this motion, I thought it would not be necessary to circulate it for public opinion because the only point which is affected by this Bill is the extension of the franchise, which it is contemplated to be brought into line with the Bengal Municipal Act, and also with the franchise proposed for the future Legislative Council. I do not anticipate, Sir, there will be any objection to this provision, and hope Government will accept this motion for the consideration of the Bill.

Mr. PRESIDENT: Notices of three amendments have been received for circulating this Bill to elicit public opinion. I think I had better allow the Hon'ble Mr. Bijoy Prasad Singh Roy to move his amendment first.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting public opinion thereon before the 15th May, 1933. I agree with the Khan Bahadur that the Bill is a very short one, but it is a Bill of far-reaching consequences because the Bill seeks to introduce almost adult franchise. I think in this matter the Calcutta Corporation should be given an opportunity of expressing their opinion, as to whether it would be possible for them administratively to make arrangements for elections if this Bill is passed into an Act. It will certainly double, if not treble the electorates. The ratepayers should also be given an opportunity of expressing their opinion on the Bill. It may be a short Bill, but it will have very far-reaching effects.

The motion that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th May, 1933, was put and agreed to.

The Bengal Village Self-Government (Amendment) Bill, 1933.

Babu KISHORI MOHAN CHAUDHURI: I beg to move for leave to introduce a Bill further to amend the Bengal Village Self-Government Act, 1919.

The Secretary then read the short title of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I beg further to move that the Bill be referred to a Select Committee.

Mr. S. M. BOSE: On a point of order, Sir, may I say that we got this Bill on the opening day of this session, that is on the 20th February last, and under rule 51 of the Bengal Legislative Council Rules, 7 days' notice is required?

Mr. PRESIDENT: As this Bill is of a very important character, I think I cannot exercise my power to suspend the order, and the objection, therefore, prevails. But, nevertheless, Kishori Babu, your Bill stands introduced. At a later stage, when opportunity occurs, he might come forward with motions for further stages.

5 p.m.

Adjournment.

Mr. PRESIDENT: The Council stands adjourned till 2-50 p.m., on Tuesday, the 28th February, 1933. I may remind members that His Excellency the Governor proposes to address the Council on that day.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 28th February, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 118 nominated and elected members.

(At 2-55 p.m. His Excellency the Governor was announced. The Hon'ble the President then left his seat on the *dais* and met His Excellency under the small dome in the vestibule. His Excellency then entered the Council Chamber with the Hon'ble the President, and, at the request of the Hon'ble the President, took his seat in the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.)

His Excellency the Governor's Address.

Gentlemen, this is the first occasion—though in view of a recent announcement not, I hope, the last—upon which I shall have had the pleasure of addressing the present Council on matters of business and, after nearly a year at the head of the local administration, it may be appropriate that I should take the opportunity of bringing briefly under review the main problems of our province, political, administrative and economic, as they present themselves to me.

Among political problems the most serious, both in its immediate aspect and in its bearing upon the future well-being of the province, is that presented by the continued existence of a terrorist conspiracy with ramifications extending throughout and beyond the limits of the province. The record of the year has been marred as you well know by a number of deplorable outrages as a result of which four valued servants of the Government have lost their lives. It is an elementary obligation of Government—an obligation which they owe equally to their own officers and to the public at large—to combat this menace by all the means at their disposal. To that end the resources of the police have been strengthened in various directions in pursuance of a considered policy. Bodies of troops have also been stationed at various

centres throughout the province so that there may be no room for doubt either as to the determination of Government to grapple effectively with the situation or as to the reserves upon which they can draw in case of need. In these measures we have of course enjoyed the advantage of the ready co-operation of the Government of India, at whose charges moreover the troops are maintained. I am satisfied that the presence of the troops has had the effect that was anticipated and that the misgivings that were expressed in certain quarters have been proved groundless.

Side by side with these administrative measures the provisions of the ordinary law have been reinforced. During the year this Council passed the Suppression of Terrorist Outrages Act as well as minor amendments of the Bengal Criminal Law Amendment Act and the Arms Act, thereby equipping the Government with useful additional powers. There are, I am glad to say, encouraging indications of an improved and a progressively improving situation.

Civil disobedience, except in a few areas, is no longer an active menace, though the mischief is in many places only latent and still liable to break out afresh if the grip of the law were to be relaxed.

It is a matter for satisfaction that the Ordinances have now been withdrawn and their place taken so far as necessary by Acts of the Legislature. The thanks of Government are due to this Council for their timely recognition of the need for arming the Executive with exceptional powers. The Council were assured that Government would use the powers so conferred with moderation and would invoke them only where real need could be shown to exist. I invite your attention to the fact that the Emergency Powers Chapter of the Suppression of Terrorist Outrages Act has been applied only to eight districts in the province and the Public Security Act to only three subdivisions of one district and one subdivision of another. A year ago the Ordinances which these Acts replaced were in operation throughout the province. The co-operation of the Council with Government in the enactment of these measures is, I am glad to think, being reflected in an increasing disposition on the part of the general public to support and assist Government in its task of maintaining peace and good order. Apart from minor incidents the province has been on the whole free from outbreaks of either communal or agrarian disorder.

To turn from the political to the economic sphere, the condition of the jute market, with which the prosperity of the province is so closely bound up, has been deplorable. Misfortune might, however, have been turned into disaster had not the mills wisely agreed among themselves upon a policy of regulated output. Tea also has fallen upon evil days. Here too, however, the industry is showing a capacity to face realities and there is a fair prospect of measures being agreed upon which should

result in a stabilising of market conditions at an improved level. The price of paddy has touched another low record during the year. Fortunately the outturn has been good so that the horrors of famine have not been added to the miseries of general impoverishment. But the position of all dependent on the land at the close of a third year of acute depression is extremely difficult. It is not surprising that there should have been some loose talk of recourse to remedies that would only relieve the difficulties of one section at the expense of another. I emphasize the fact that all are suffering, *zamindars*, *mahajans* and *ryots*, and suffering from conditions outside the control of all. Government in the Revenue Department are showing and will continue to show the utmost consideration for those who may through no fault of their own be unable for the time being to meet their just obligations. I have certain further comments to make on the economic aspect of our affairs, but it will be convenient to reserve them till I come to deal with the constructive side of Government policy.

The preoccupations of the Hon'ble Finance Member during the past year have been many and grave. A Retrenchment Committee has been set up and its report has been in your hands for some time. Government and the public are indebted to the members of the Committee for a masterly review of our public expenditure in all branches. The Council will be kept informed from time to time of progress made. The Hon'ble Mr. Woodhead has already dealt with some of the more important aspects. The Committee have themselves recognised that certain of the economies recommended would involve a lowering of the standard of efficiency and also that retrenchment alone could not produce a balanced budget. Under the compulsion of absolute necessity measures involving the acceptance of a definitely lower standard could and would be taken but they are to be avoided, if at all possible, particularly at a period of transition when it must be a point of honour to hand over to the autonomous Government shortly to be brought into being an administrative machine adequately equipped for the work it will be called upon to perform. Had the recent financial history of the province been different, economy would have presented fewer difficulties, and had the revenues been available to Bengal to which she is in justice entitled the province would now have been in a better position to weather the economic storm. I do not suggest that if during the past twelve years Bengal had enjoyed the revenue which she can justly claim under an equitable financial settlement, the money would not have been spent. It would have been spent: but we should have had something to show for it and, further, the margin available for retrenchment in times of financial stringency would have been much larger. Bengal's standard of expenditure has always been low. In 1929-30, the last normal year before the advent of the present depression, the expenditure per head in Bengal was the second lowest in

India, the only other province with a lower standard of expenditure being our neighbour—Bihar and Orissa. It is, I think, clear that if Bengal's expenditure per head in 1929-30 instead of being as low as two and a half rupees had been as high as the figure of just over four rupees in Madras, not to speak of the figure of eight and a quarter rupees in Bombay, the scope for retrenchment would have been much greater and the task of producing a balanced budget would have been an achievement which could have been accomplished without permanently impairing the efficiency of the administrative machine.

Before passing from the subject of retrenchment, there is one specific recommendation with which the House may properly expect me to deal. The Committee recommended a reduction in the size of the Cabinet from seven to five members. I have given most careful consideration to this recommendation as it was my duty to do. I have no doubt that under normal conditions we could carry on the work fairly comfortably with a Government of six members and if there were no question of preserving a communal balance the number might even be reduced to five as recommended by the Committee. But conditions are far from normal in several departments of Government and we must expect during the next few months a very heavy addition to the burden of work affecting all members of Government—in connection with the scheme for constitutional reform. This, moreover, is work which will have to be done against time. In all the circumstances, therefore, I have come to the conclusion, after much thought, that it is not worth while to incur the disadvantage of disorganising existing arrangements for the sake of the small saving that would be realised during the comparatively short period that is now expected to elapse before the inauguration of a reformed constitution. I have the less hesitation in coming to this decision since all the indications go to show that under the conditions of the future it will not be possible to carry on the work of Government with fewer than seven Ministers.

I come now to the constructive side of Government policy. While we have been compelled by circumstances to assert the authority of Government and to seek and where necessary to employ exceptional powers to deal with movements which aim at undermining that authority and destroying respect for law, and while I claim that all experience goes to show that the outward manifestations of disorder can only be dealt with by what are called repressive measures and that any Government that neglects or fears to employ such measures is sealing its own doom, my Government have always realised that there are certain underlying or predisposing causes of unrest that must be removed if lasting improvement is to be achieved. It is not enough to meet force by force or to overbear lawlessness by asserting the majesty and power of the law. An atmosphere must, if possible, be

created in which the seeds of disorder will not readily germinate. Here in Bengal, as any careful observer must realise, there are problems political, social and economic, formidable no doubt in character but amenable, I am sure, to treatment, given imagination, resolution and goodwill, the solution of which would, in a short time, change the whole aspect of affairs. My Ministers have during the past year been striving, each in his own sphere, to prepare the way for the solution of some of these problems.

The Hon'ble Minister for Education has been able to evolve a plan for bringing the Primary Education Act into partial operation during the coming year.

The Hon'ble Minister for Agriculture and Industries has organised a scheme of work parties, twenty-eight in number, which will shortly go out to every district of the province to demonstrate the possibilities of our indigenous village industries under improved methods of work. He has brought into existence the machinery contemplated by the State Aid to Industries Act; and, while for the time being assistance from public funds cannot be forthcoming, we shall be able to make a beginning; thanks to the generosity of private donors among whom I must mention with gratitude the names of the Hon'ble Minister himself, Mr. S. C. Mitter, the Industrial Engineer, Rai Bahadur Dr. Upendra Nath Brahmachari, Sir Hari Sanker Paul, Khan Sahib Munshi Sheikh Azizuddin, Mr. G. D. Birla and Rai Bahadur A. N. Das, particulars of whose donations are being made public. Funds are also to be provided for the demonstration of improved methods of dealing with sugarcane, which, under the skilled guidance of the Agricultural Department, is so rapidly assuming importance among the agricultural products of the province. Under the Minister's instructions, the Co-operative Department is now conducting a special investigation into the possibility of establishing land mortgage banks as a means of relieving the agriculturist of part of the burden of his long-term indebtedness. In response to a widely-expressed demand a strong and representative Committee has been set up to consider the problem of jute in all its aspects. We are fortunate in having been able to enlist the services of Mr. Finlow as Chairman of this Committee.

The Hon'ble Minister for Local Self-Government has also made his contribution. Apart from the Act, so skilfully piloted by him through this House, reforming and bringing up-to-date the constitution of our municipalities, under which fifty-two municipal bodies will be reconstituted on the basis of elections to be held during the ensuing month, he is initiating a campaign on novel lines against that universal scourge malaria, which is sapping the vitality of the people. In one selected area an experiment which may have far-reaching consequences is being undertaken, under the most skilled advice, to determine whether it is practicable by the systematic administration of quinine

in combination with a comparatively new drug called plasmoquin to eliminate malaria from an entire tract. Funds are also being provided for the widespread administration of quinine by means of a special organisation to be improvised for the purpose in five districts in which the population has been declining owing to malaria, and in addition the amount of quinine to be distributed through dispensaries is being largely increased. Work is also being undertaken, in conjunction with the Irrigation Department, in several localities, with a view to the flushing of the land, where the conditions prove to be suitable, with silt-laden water, in accordance with the principles so strongly advocated by Dr. Bentley.

I should mention also that a draft Bill has been prepared to provide for the establishment of a Waterways Trust for the better conservation of our great navigable waterways, which extend, I may remind you, in this province to no less than twenty thousand miles, apart from small *beels* and *khals*.

These measures cover, Gentlemen, a wide field, though they represent only the beginnings of what I hope may develop into a balanced scheme of economic and social betterment. But their institution at this juncture—vital though they are to the interests of this province and, as I believe, of India as a whole—would be nothing but a mockery if we could not as a Government look forward to anything better than a continuance of our present financial plight. The House is well aware of the claim that has been put forward with the support of all interests in the province. The Report of the Federal Finance Committee of the last Round Table Conference, adopted without a single dissentient voice by the full Conference, marked a most important step in advance. Our claim is accepted in principle and for the future we pass to the discussion of details. The details are indeed important and we cannot as yet permit ourselves any relaxation of effort, but I know we are assured of sympathetic consideration on the part both of the Government of India and of the Secretary of State and I have every hope—I say this deliberately—that when the full scheme of Federal Finance comes to be promulgated we shall find that substantial justice has been done to Bengal's claim. That is the bright side of our picture. Now, what I ask myself and what I must ask you, Gentlemen, is this. Are the results of the efforts put forth by the Government of Bengal, and by our representatives at the various Round Table Conferences (whose services I wish most cordially to acknowledge) going to enure in full measure for the benefit of this province or are they in part going to be frittered away as the result of the conduct of a section of those on whose behalf these efforts have been made? The expenditure incurred with the authority of this House in combating various subversive movements has amounted, as the Hon'ble Finance Member informed you last week, to no less than 112½ lakhs in the past

three years. That sterile expenditure is still going on. If it could be rendered fruitful—if the talent which is now applied to attempting to frustrate the policy of Government could be directed into constructive channels, Bengal in spite of the inherent difficulties of her problems—difficulties of which I am acutely conscious—could, I am convinced, look forward under the new dispensation to a future in every way worthy of her distinguished past and would again hold her head high in the counsels of Greater India. Our scale of public expenditure is the lowest, I may again remind you, excepting our neighbour Bihar and Orissa, of any province in India. Our land is exceptionally productive and Calcutta is the greatest commercial and industrial centre in India. There is ample scope for development without incurring a charge of extravagance, and if we only unite in making use of our opportunities even that most intractable of problems, one which it is difficult to contemplate without a shudder for it is a veritable tragedy—*bhadralog* unemployment—will, I believe, yield. I have been glad to discern in various quarters signs of an awakening to realities—of a desire to work together in constructive planning for the development of our resources. I beg that you will encourage these tendencies by all the means in your power, in the interests of this province and its people whom you are all here to serve.

STARRED QUESTIONS

(to which oral answers were given)

Gambling in carnivals.

***13. Babu PROFULLA KUMAR GUHA:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that gambling other than a game of skill is rampant in all carnivals?

(*b*) Will the Hon'ble Member be pleased to state what steps did the Government take to prevent gambling?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Government have received reports that gambling takes place in the carnivals.

(*b*) Instructions have been issued to the authorities concerned to enforce strictly the provisions of the existing Bengal Public Gambling Act and the question of legislation to empower local officers to license and control carnivals is under consideration.

Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Member be pleased to state whether some of these gambling dens are being run without licence from the Corporation?

The Hon'ble Mr. W. D. R. PRENTICE: I have no knowledge of Corporation licences.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state whether it is not a fact that in Calcutta all the carnivals that are licensed have only gambling carried on under the guise of games of skill?

The Hon'ble Mr. W. D. R. PRENTICE: This is a matter upon which courts have given various decisions as to whether the games are games of skill.

Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Member be pleased to state whether it is not a fact that the Corporation asked for police help to stop these carnivals, but that they did not get any help from the police?

The Hon'ble Mr. W. D. R. PRENTICE: We have challenged the Corporation to substantiate their charge that the police have refused their help when asked for, and so far we have received no information from the Corporation.

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Member be pleased to state why the carnival in front of the Howrah Station and other carnivals on the Howrah Maidan which were closed down under Government orders have been allowed to start again?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice. I know nothing about it.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Member be pleased to state whether he is aware that the police do not take cognisance of cases because of some *bundabust* previously made with them?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of this. If the hon'ble member will produce the evidence on which he makes these allegations, it will be inquired into.

Mr. SHANTI SHEKHARESWAR RAY: With reference to answer (*b*), will the Hon'ble Member be pleased to state when were these instructions issued?

The Hon'ble Mr. W. D. R. PRENTICE: After the Budget Session of last year when I promised to issue these instructions.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member aware that there is a distinction in enforcing police orders between carnivals and carnivals?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state how many prosecutions have been instituted after the issue of the instructions?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Tax on amusements.

***14. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether the tax on amusements first came to be levied in the province for increasing the resources of the nation-building departments of the Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what proportion of all receipts on account of the tax on amusements has been placed at the disposal of the nation-building departments each year during the last six years?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) The object of the tax as stated by the then Finance Member was to provide "a reasonably efficient Government able to carry out its essential duties in a reasonably efficient manner."

(*b*) Does not arise.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state whether there was any such understanding at the time of the imposition of the amusements tax that a portion of the fund will be devoted to the nation-building departments?

The Hon'ble Mr. J. A. WOODHEAD: At the time when the additional taxes were imposed—stamp duties, court-fee stamps and the betting and amusements tax—it was hoped that there would be a surplus available for the nation-building departments.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state with reference to answer (*a*) whether without the amusements tax the administration of the Government will be inefficient?

The Hon'ble Mr. J. A. WOODHEAD: I leave the hon'ble member to draw his own conclusions.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state what are the duties of Government in respect of the nation-building departments?

The Hon'ble Mr. J. A. WOODHEAD: I would refer the hon'ble member to the Hon'ble Ministers?

Licensed vendors at railway stations.

*15. **Maulvi ABDUS SAMAD:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the licensed vendors at the railway stations in this province are in the habit of selling articles of food which are mostly stale and adulterated and as such are unfit for human consumption?

(*b*) Are the Government considering the desirability of directing the authorities concerned to exercise greater control over the vendors and of employing proper agencies for periodical inspection of the food sold at the railway stations in Bengal?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) Government have no information.

(*b*) The attention of the railway authorities will be drawn to the subject matter of the question.

Maulvi ABUL KASEM: Is the Hon'ble Member aware that vendors at railway stations are appointed by the railway authorities and that the foodstuff sold at the stations are tested not occasionally but every day by a competent medical officer?

The Hon'ble Mr. J. A. WOODHEAD: No, I am not aware of that.

Dacca Munsifs' court.

*16. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that hardship is being caused to litigants and their pleaders by the location of the courts of the munsifs in the Dacca city at some distance from the main court building?

(*b*) Have funds been allotted in the next year's budget for the project of the construction of the civil court buildings (munsifs' courts) at Dacca?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) No.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state the reasons for not providing funds in the budget for the construction of munsifs' courts at Dacca?

The Hon'ble Mr. W. D. R. PRENTICE: I would ask the hon'ble member to read the budget which was issued to him.

Firing at Adina in the Malda district.

*17. **Mr. SHANTI SHEKHARESWAR RAY:** Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) why and under whose order the police resorted to firing at Adina in the Malda district in December last;

(*ii*) the names of the Santals, men and women, who were killed or wounded as a result of the firing; and

(*iii*) whether any person not belonging to the police force took part in firing on that occasion?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) A large number of armed Santals had taken possession of the Adina Mosque. Efforts made by the District Magistrate and others to get them to leave it quietly having failed the District Magistrate declared the assembly to be an unlawful one and ordered it to disperse. When the police began to arrest the leaders, Jitu Santal attacked the Superintendent of Police with a sword and numerous others began to shoot arrows at the Magistrate and the police. Thereupon the District Magistrate ordered fire to be opened.

(*ii*) Killed—Jitu Santal, Barka Santal, Jetha Santal, and two others whose identity has not been established.

Wounded—Chhotka Santal, Mannoo Santal and Fachoo Santal.

(*iii*) Yes.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state in whose possession the Adina Mosque is or was at the day of the occurrence?

The Hon'ble Mr. W. D. R. PRENTICE: It is a Protected Monument.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the taking possession of a Protected Monument by the armed Santals meant that they wanted to destroy it or to live in it?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know, but they came into the middle of the building and there were grounds for suspicion that they wanted to take possession of it as it was originally a Hindu building.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the visit of a number of armed Santals to a Protected Monument is tantamount to their taking possession of it to the exclusion of Government?

The Hon'ble Mr. W. D. R. PRENTICE: I should have thought it was.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to state whether or not the occupation by the Santals of the Adina Mosque amounted to sacrilege and wounded the feelings of Muhammadans?

The Hon'ble Mr. W. D. R. PRENTICE: I know it was worrying the Muhammadans but whether it was a sacrilege or not, I cannot say, as I am not an authority on that matter.

Babu JITENDRALAL BANNERJEE: Did the Government receive any complaint from the Muhammadan community at Malda?

The Hon'ble Mr. W. D. R. PRENTICE: The District Magistrate received it.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the District Magistrate was present on the spot when the first shot was fired?

The Hon'ble Mr. W. D. R. PRENTICE: Yes, the order of fire was given by him.

Mr. SHANTI SHEKHARESWAR RAY: With reference to answer (*vi*) will the Hon'ble Member be pleased to state whether the District Magistrate was present when the first shot was fired?

The Hon'ble Mr. W. D. R. PRENTICE: He was.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether it is a fact that Jitu Santal was dragged out of the mosque and beaten?

The Hon'ble Mr. W. D. R. PRENTICE: That is entirely false.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to give the name of the person not belonging to the Police force who fired the first shot?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Mr. SHANTI SHEKHARESWAR RAY: Will the Government be pleased to state why a person not belonging to the Police force was allowed to fire a shot

The Hon'ble Mr. W. D. R. PRENTICE: He was assisting the police in the carrying out of the Magistrate's order.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he was authorised by the District Magistrate to go there armed?

The Hon'ble Mr. W. D. R. PRE.....

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether it is a fact that there is very great panic among the Santals in Malda as a result of this firing?

The Hon'ble Mr. W. D. R. PRENTICE: On the contrary everything is peaceful there.

Pay of the process-server.

***18. Maulvi NUR RAHMAN KHAN EUSUFJI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the decision of the Hon'ble High Court, Appellate Side, regarding the replies received to their letter No. 15316, dated the 18th November, 1926, addressed to the District Judges on the subject of increment of the pay of the process-server;

(*ii*) what actions on the decision have as yet been taken by the Government; and

(*iii*) when the process-servers may expect any relief in this direction?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) In view of the financial stringency of the province the court could not see its way to make any recommendation in the matter.

(*ii*) None.

(*iii*) Such proposals for increase of pay stand no chance of being regarded with favour now or in the near future.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state as to how many questions regarding the process-servers have been received and are still being received by the Government?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say.

Mr. NARENDRA KUMAR BASU: With reference to answer (*iii*) will it stop these questions?

The Hon'ble Mr. W. D. R. PRENTICE: I have made it as discouraging as possible.

Abolition of the Lalbagh subdivision at Murshidabad.

***19. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether there is any proposal to abolish the subdivision at Lalbagh, Murshidabad, in the near future?

(*b*) If the answer to (*a*) is in the affirmative, when will the same be effected?

(c) Has public opinion with regard to the abovementioned proposal been taken?

(d) If the answer to (c) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a summary of the public opinion on this matter?

The Hon'ble Mr. W. D. R. PRENTICE: (a) There is no such proposal before Government.

(b), (c) and (d) Do not arise.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether there is any such proposal made by the Retrenchment Committee?

The Hon'ble Mr. W. D. R. PRENTICE: The Retrenchment Committee of which my hon'ble friend has some personal knowledge have made some such recommendations which the Government are in duty bound to examine and which they are examining now.

Khan Bahadur Maulvi AZIZUL HAQUE: At what stage it is now?

The Hon'ble Mr. W. D. R. PRENTICE: We have asked the Commissioners for their opinions.

Transportation of persons to Andamans from Bengal.

***20. Babu SATISH CHANDRA RAY CHOWDHURY:** (a) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(i) how many persons have been transported to the Andamans from Bengal from January, 1932, up to February 15, 1933;

(ii) what is the minimum sentence of imprisonment covered by these transportation orders so far; and

(iii) what is the minimum age of persons so far transported?

(b) Do the Government intend to observe any rule regarding the minimum age and minimum sentence up to which, and the offences for which, persons convicted are liable to be transported to the Andamans?

(c) What are the criteria according to which the Government make the selection of persons to be transported to the Andamans?

(*d*) Of the persons so far transported, how many were enjoying division I and division II privileges, respectively, before transportation and after conviction?

(*e*) Are those privileges being retained and allowed in the Andamans?

(*f*) Are the prisoners in the Andamans allowed to carry on correspondence with their relatives at home? If so, at what intervals?

(*g*) Are the rules regarding the control of such correspondence the same as in Bengal jails?

(*h*) If the answer to (*g*) is in the negative, will the Hon'ble Member be pleased to lay a copy of the rules on the table?

(*i*) Are the parents or other guardians of prisoners informed before they are transported for affording them an opportunity of interview?

(*j*) If the answer to (*i*) is in the negative, are the Government considering the desirability of doing so in future?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) 82.

(*ii*) Five years except in one case of 4 years' sentence.

(*iii*) 16 years 2 months.

(*b*) Five years' sentence is being observed as the minimum, but no limit in age. The exception to this rule referred to in (*a*) (*ii*) was transported before the present rules were brought into force.

(*c*) Prisoners convicted of terrorist crimes and serious political crimes are ordinarily selected.

(*d*) Division I—Nil.

Division II—48.

Division III—34.

(*e*) Yes.

(*f*) Yes. They are allowed to write and receive one letter a month.

(*g*) and (*h*) In the public interest Government are not prepared to give the information.

(*i*) It was not possible to arrange for interview with all the prisoners of the first batch, but in the case of all prisoners sent subsequently the parents or guardians or friends were written to allowing interviews with the prisoners.

(*j*) Does not arise.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if it is not a fact that in the criminal law of India transportation is considered a more serious punishment than imprisonment?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not here as a lawyer. That is a matter of opinion.

Mr. NARENDRA KUMAR BASU: I am not asking for a legal opinion. I am asking whether as a Member of Government he is not aware that the Penal Code and the Criminal Procedure Code distinctly say that transportation is a more serious form of punishment than imprisonment.

The Hon'ble Sir PROVASH CHUNDER MITTER: I would refer the hon'ble member to the Indian Penal Code.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether it is a fact that under the Criminal Procedure Code the Local Government may substitute a less serious form of punishment for a more serious form of punishment and not a more serious form of punishment for a less serious one?

The Hon'ble Sir PROVASH CHUNDER MITTER: I would refer the hon'ble member to the Code.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether sending a person to the Andamans for an offence for which he was convicted to a sentence for 4 or 5 years of imprisonment is not preposterous?

The Hon'ble Sir PROVASH CHUNDER MITTER: That depends on the nature of the offence.

Dr. NARESH CHANDRA SEN GUPTA: Have the Government any basis for information that courts have dealt with unduly leniently with the terrorist offenders?

The Hon'ble Sir PROVASH CHUNDER MITTER: That question does not arise.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether it is the intention of Government to send prisoners who are convicted of sedition to the Andamans?

The Hon'ble Sir PROVASH CHUNDER MITTER: No persons who have been merely guilty of sedition have been sent to the Andamans. Those who are guilty of attempted murder, dacoities, terrorist crimes and such serious offences have been sent.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to explain what he means by the term "serious political crimes" as distinguished from "terrorist crimes"?

The Hon'ble Sir PROVASH CHUNDER MITTER: Political dacoities and bombs and offences of that sort.

Mr. SHANTI SHEKHARESWAR RAY: What are the definitions of "terrorist crime" and "serious political crime"?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add.

Dr. NARESH CHANDRA SEN GUPTA: Is it not a fact that the sentence imposed upon a person is the measure of the seriousness of an offence?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add.

Ministerial appointments in the Hooghly and 24-Parganas districts.

*21. **Rai Bahadur KAMINI KUMAR DAS:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) how many Baidyas have been appointed in the district of Hooghly during the sheristadarship of Babu Munindra Mohan Sen, in the ministerial grade;

(*ii*) what are their respective qualifications;

(*iii*) how many Brahmans have been taken in as new recruits in the ministerial grade in the district of the 24-Parganas during the sheristadarship of Babu Nagendra Nath Mukherji;

(*iv*) how many of the new recruits in the ministerial grade in the aforesaid two districts during the sheristadarship of the two said sheristadars are Muhammadans and how many of them are depressed class members; and

(*v*) how many process-servers have been transferred to the ministerial grade in the aforesaid two districts during the said periods?

The Hon'ble Mr. W. D. R. PRENTICE: A statement of the appointments made by the District Judges during the periods specified in the question is laid on the table.

Statement referred to in the reply to starred question No. 21.

(*i*) Twelve.

(*ii*) 6 Matriculates; 2 I.A. passed; 1 I.A. failed; 2 B.A. failed; and 1 non-matriculate.

(*iii*) Thirty.

(*iv*)

Hooghly.

Muhammadans—15.

Depressed classes—4.

24-Parganas.

Muhammadans—36.

Depressed classes—1

(*v*) None.

Scarcity of water in the Tamluk sub-jail.

*22. **Rai Sahib SARAT CHANDRA MUKHOPADHAYA:** Is the Hon'ble Member in charge of the Political (Jails) Department aware -

(*i*) of the adverse remarks made by the jail visitors on several occasions and that resolutions after resolutions were passed by the Jail Committee since June, 1930, regarding scarcity of water in the Tamluk sub-jail for drinking and other purposes; and

(*ii*) that the grievances of the prisoners (undertrials and convicts) in the said sub-jail in this matter have not yet been removed?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) and (*ii*) The fact is that during the dry season lasting for about three months in the year the water-level in the tube-well of the sub-jail goes down and the yield becomes small. The Board of Visitors therefore recommended that a new tube-well should be sunk. This could not be given effect to

for want of funds. During the dry season water is supplied to prisoners for drinking and other purposes from a reserve tank outside the sub-jail after proper chlorination.

No complaint against this arrangement has been received from the prisoners.

Process-servers.

*23. **Rai Bahadur KAMINI KUMAR DAS:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the year 1932—

(*i*) the number of cases where the process-servers of the Gaibandha civil courts (district Rangpur) were criminally assaulted in the *mufassal* while executing the writs of judgment during the year 1932;

(*ii*) in how many of the above cases were the assailants punished in the criminal courts; and

(*iii*) in how many of the above cases did the Government bear the expenses of the criminal litigation?

The Hon'ble Mr. W. D. R. PRENTICE: The member is referred to the answer to similar question put by Mr. K. C. Ray Chowdhury.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Process-servers.

19. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the process-servers while waiting for processes at headquarters are required to stop at towns and to make their own private arrangements?

(*b*) Is the Hon'ble Member aware that the post office overseers, the police jamadars and the excise peons are given Government quarters or house rent allowances?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons for such differential treatment amongst officers of the same cadre under the Government?

The Hon'ble Mr. W. D. R. PRENTICE: The member is referred to the answer given to similar questions by Kazi Emdadul Hoque.

Arrests for observing Independence Day.

20. Dr. AMUI YA RATAN GHOSE: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) how many men and women have been arrested for observing the Independence Day on the 26th January, 1933, in Calcutta and in different other districts in Bengal;

(*ii*) at how many places the police resorted to mild *lathi* charges;

(*iii*) at how many places severe or violent *lathi* charges were resorted to;

(*iv*) how many people had their heads and limbs broken, due to the *lathi* charges of the mild type;

(*v*) how many lost their lives owing to the *lathi* charge of the severe type;

(*vi*) at how many places the police had opened fire to quell the crowds;

(*vii*) how many people died in consequence of police firing and how many injured; and

(*viii*) whether there will be any inquiry as to the justification, or otherwise of such police firing?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) 90 males and 80 females were arrested in Calcutta. No detailed information has been received as to arrests in districts.

(*ii*), (*iii*) and (*iv*) *Lathi* charges were resorted to in some places in order to disperse unlawful assemblies. Government have no detailed information as to their number or nature.

(*v*) None.

(*vi*) One.

(*vii*) No deaths occurred; five persons were injured.

(*viii*) The usual inquiry required by the Police Regulations, Bengal, has been held.

Process-server.

21. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that a process-server of the Barisal Civil Courts was killed while discharging his public duty of serving processes in the interior villages?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the amount which was in the custody of the process-server at the time he was killed; and

(*ii*) whether the family of the deceased process-server in this case is entitled to any relief from the Government?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) (*i*) Rupees 35-10-9.

(*ii*) No application for relief having been received, the case has not yet been considered by Government.

Accounts of the Criminal Investigation Department.

22. Mr. ANANDA MOHAN PODDAR: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the accounts of the Criminal Investigation Department and its branches are audited annually?

(*b*) Is it a fact that the accounts of the Criminal Investigation Department are separated from those of the Inspector-General of Police?

(*c*) Will the Hon'ble Member be pleased to state when last year's accounts were audited?

(*d*) Will the Hon'ble Member be pleased to lay on the table a copy of the auditor's latest report on the Criminal Investigation Department?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No, periodically in accordance with the orders of Government.

(*b*) Yes.

(*c*) They have not yet been audited.

(*d*) It is not in accordance with the practice of Government to lay audit reports on the table.

Process-servers.

23. Babu LALIT KUMAR BAL: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the processes for rent suits are now served by process-servers without the help of identifiers from the parties?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether there have been any complaints in the matter of procuring actual service upon the parties concerned?

(*c*) Will the Hon'ble Member be pleased to state how many process-servers in the Dinajpur district were punished in the year 1932 for failing to procure personal service of the processes in rent suits without identifiers?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) No.

(*c*) Process-servers are punished for a low outturn of personal service calculated on the total number of processes served. Fifteen process-servers were so punished in the Dinajpur district during 1932.

Process-servers.

24. Mr. K. C. RAY CHOWDHURY: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the year 1932—

(*i*) the number of cases where the process-servers of the Gaibandha civil courts (district Rangpur) were criminally assaulted in the *mufassal* while executing the writs of judgment during the year 1932;

(*ii*) in how many of the above cases the assailants were punished in the criminal courts; and

(*iii*) in how many of the above cases the Government bore the expenses of the criminal litigation?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Three such cases were reported.

(*ii*) The cases are *sub judice*.

(*iii*) The police took cognizance in one case. In the other two cases the decree-holders are the complainants.

Pay of the process-servers.

25. Babu AMULYADHAN RAY: Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the decision of the Hon'ble High Court, Appellate Side, regarding the replies received to their letter No. 15316, dated the 18th November, 1926, addressed to the District Judges on the subject of increment of the pay of the process-servers;

(*ii*) what actions on the decision have as yet been taken by the Government; and

(*iii*) when the process-servers may expect any relief in this direction?

The Hon'ble Mr. W. D. R. PRENTICE: The member is referred to the answer given to a similar question by Maulvi Nur Rahman Khan Eusufji.

Process-server.

26. Maulvi ABDUL CHANI CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that a process-server of the Barisal civil courts was killed while discharging his public duty of serving processes in the interior villages?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the amount which was in the custody of the process-server at the time he was killed; and

(*ii*) whether the family of the deceased process-server in this case is entitled to any relief from the Government?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) and (*b*) The member is referred to the answer given to similar question by Kazi Emdadul Hoque.

Augmentation grant to the district boards.

27. Rai Bahadur JOGESH CHANDRA SEN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state on what basis augmentation grant is given to the district boards?

(*b*) Is it a fact that the district board of the 24-Parganas was not given the full allotment on the ground that the said district board was in a prosperous condition?

(*c*) Is the Hon'ble Minister aware that this district board has got a very big commitment and is not in a position to maintain the roads in proper condition for want of funds and that it has not sufficient funds to arrange for proper water supply, etc.?

(*d*) Are the Government considering the desirability of—

(*i*) reconsidering the case of the 24-Parganas District Board;

(*ii*) making full allotment to the board; or

(*iii*) making special consideration next year?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) The grant is distributed at the discretion of Government. Normally half of the total available is distributed on a rateable basis and half according to the Divisional Commissioners' judgment of the needs of the districts.

(*b*) Does not arise.

(*c*) Government are not aware what are the commitments of the 24-Parganas District Board. They are not prepared to pass an opinion on the district board's distribution of its funds.

(*d*) (*i*) and (*iii*) No.

(*ii*) This does not arise.

Tours of soldiers in the mufassal.

28. Babu KISHORI MOHAN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the expenses incurred in the tours of soldiers from places to places in the *mufassal* will be borne by the Government of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what amount has already been spent and what amount is expected to be incurred during this year?

(*c*) Will the Hon'ble Member be pleased to state—

(*i*) how long the soldiers will travel in this fashion; and

(*ii*) what useful purpose is intended to be served by such tours?

(*d*) Is the Hon'ble Member aware that reports have appeared in the press that poor villagers have been forced to subscribe for the expenditure of the reception of the soldiers?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) Does not arise.

(*c*) (*i*) The period over which such marches will be continued will be determined by the local military authorities with a view to local conditions and requirements.

(*ii*) The marches are part of the training of the troops and are intended also to encourage the well disposed towards Government and to demonstrate to the disaffected that Government have power to enforce their orders.

(*d*) Such reports have appeared, but Government are not satisfied that they are true.

3-55 p.m.

Discussion of budget.

Mr. PRESIDENT: Now we shall have a general discussion on the budget.

Maulvi TAMIZUDDIN KHAN: Sir, the Hon'ble Mr. Woodhead deserves to be congratulated on the ability he has shown in making the best of a bad bargain, and the lucidity with which he has explained a most varied and complicated subject. But apart from a personal triumph there is scarcely any relieving feature in the melancholy picture he has so ably presented. It is the same old story of despair that has been our lot to hear on the floor of this House since several years past. I hope the lessons of the budget have been by this time brought home to every son of Bengal. It is with some of these that I propose to deal in this short address. The first and the foremost lesson to my mind is that the budget is a sad commentary on a system of administration under which the richest province in the sub-continent of India has been rendered the poorest and has been driven to welter in the quagmire of perennial bankruptcy. The expected revision of the present financial settlement and the allocation of a share of the jute export duty to Bengal under the coming reformed constitution, to which the Hon'ble Finance Member has referred in his speech, even if it actually materialises, will not bring to Bengal the millenium that many are expecting.

Maulvi ABUL KASEM: On a point of order, Sir, this is an opportunity which is given to the non-official members to criticise the Government and the administration. Is it fair that the members of Government should leave the House without hearing the criticisms?

The Hon'ble Sir PROVASH CHUNDER MITTER: May I point out that the arrangement is that a Member of Government and a Minister will be here all the time who will take notes of what is said on behalf of all the other Members and Ministers. So long as we take notes of what is said by this House there is no reason to complain.

Maulvi TAMIZUDDIN KHAN: It may render you capable of keeping your head out of the water, but will it allow Bengal to grow and keep pace with the march of time? The answer must be a despairing no.

A second lesson is the utter futility of our budget talk on the floor of this House. Yet if we talk at all, we do so, because we must as being component parts of a huge talking machine that this Council is. We may roar and thunder and reduce a *cowrie* here and a pie there but these shouts and pinpricks only serve to make the constitutional machine all the more furious in its triumphant march. Will the new machine that is being forged for us and which will shortly be placed on the anvil of the British Parliament for final shape be anything really different? Let the master engineers answer.

A third lesson is akin to and in fact follows from the second. Our constitution-makers in England have hitherto been treating us as children in the school of politics and, in keeping with their estimate of our political sense, have been trying to divert us with certain toys and lollipops and have never trusted us with anything of real value and substance. We have our toy parliament, our toy cabinet of three innocents and our annual winter sports as at present. Like our British masters our boys in the top classes, the Hon'ble Ministers, have already specialised in the art of pleasing younger children with sops. The Hon'ble Minister responsible for Public Health has his fascinating scheme for the eradication of malaria from this province and for the present has selected an area in his own native district as the field of operation. This is really a nice chocolate to satisfy the boys. The Hon'ble Minister for Agriculture and Industries has his alluring scheme of giving employment for *bhadrolok* youngmen and also his jute committee whose recommendations when accepted are sure to raise the price of that commodity to a level that our young minds never imagined and thus to cure Bengal of all her present-day ills. This is a veritable "*rusagolla*" (juice ball) for the youngsters of the Bengal Legislative Council. But, Sir, the Hon'ble Minister for Education has surpassed his colleagues and stands head and shoulder over them. He is determined to purge his country of the ignominy of illiteracy. He will make primary education not only free but also compulsory. The youngsters of the Council with the exception of a few recalcitrants followed him in the same lobby when he forged his glittering instrument, the Bengal Rural Primary Education Act. It

was so good of him. But, lo and behold! he is now out in the field to show us an exhibition of the use of his fine instrument. We do not mind if he will not show the entire feat all at once. That would only mar the dramatic effect of the performance. The budget provides for the partial introduction of the Primary Education Act. When the Hon'ble Finance Member made only a passing reference to it in his speech I for myself expected it to be a luscious "*rajbhog*" and only wondered how big it might be, for the Finance Member discreetly kept us in ignorance of its size. I went home, hunted up the fine red book which he presented us and to my ecstasy found that it was a big round thing worth Rs. 9,820. Am I not right, Sir, if I say that the Hon'ble Minister for Education has surpassed his less fortunate colleagues? With this big sum of money he will partially introduce his Primary Education Act in the province of Bengal? We young children are fully appeased and congratulate him in anticipation on his marvellous performance.

A fourth lesson that the budget teaches is the innate absurdity of the administration of Bengal. It is a hopeless machine incapable of improvement. Circumstanced and circumscribed as he is it has been impossible even for the Hon'ble Mr. Woodhead, about whose ability I have always entertained a high idea, to produce a presentable budget out of the rotten debris at his disposal. The pinpricks of retrenchment though necessary and expedient under the present circumstances will never solve the problem we are confronted with. The absurdity in the system must be done away with if anything substantial is to be done. In this super-fertile and predominantly agricultural province land tax should naturally be the principal source of revenue to the Government. But for the last 140 years since 1793 the benign Government has been systematically making an annual gift of three-fourths of the land tax realised from the tenants to a certain number of very deserving and estimable gentlemen, the *zamindars* of Bengal. Even if a moiety of the huge amount that is thus annually given away in charity was available for expenditure by the Government all the big problems that we are confronted with including the difficult one of the Hon'ble Minister for Education of finding money for the enforcement of his Primary Education Act could have been solved at least a quarter of a century ago. And if there is in any quarter a really genuine desire to solve the outstanding problems of Bengal in future the only way in which solution lies is the discontinuance of this criminal charity. There are no doubt difficulties in the way. It is always difficult to get rid of an old folly but the difficulty of getting rid of it is certainly not greater than the hazardous difficulty of continuing to starve Bengal physically and intellectually for ever.

Sir, there is yet a fifth and a sixth and a seventh lesson and so on that the budget can teach us. But I would not like to tire your

patience by cataloguing them any further to-day. The few that I have indicated are sure to make those solicitous about their country's good shed tears of blood. Let us hope that the night of our grief will dawn in the near future, and our Ministers under the coming constitution will be able to present us with something better than our present Ministers would feign appease us with.

Mr. J. N. GUPTA: Mr. President, Sir, for reasons which have been so fully explained by the Hon'ble Finance Member and as apprehended by most of us, the budget for the forthcoming year presents a picture if possible of greater gloom and provincial bankruptcy than even those of previous years; and accustomed though we are becoming to listen to such tales of poverty and bankruptcy year after year it will be idle to pretend that the catastrophic economic depression through which the province is now passing and the utter helplessness of the Government to offer any substantial succour to the people or to embark on any comprehensive schemes for their relief do not fill us with the gravest concern and keenest disappointment. The real position as disclosed in the budget is that we will have again to borrow nearly 2 crores of rupees from India to carry on the administration and that the existing niggardly and wholly inadequate grants for carrying on what are known as the nation-building and reproductive departments of the Government will continue while in spite of our precarious and impoverished finances there is steady increase of expenditure in the unproductive and coercive departments of the administration. No doubt my honourable friends on the Treasury Bench are as grieved as we are that this should be so, yet there is this important difference that while the Hon'ble Home Member and his colleagues think that Government have no option in the matter, we on this side of the House firmly believe that as far as the civil disobedience movement is concerned the policy of the Government in continuing to incur ever-increasing expenditure on police and jails betrays a lamentable lack of true statesmanship and an utter disregard of public opinion voiced not only by those who are wedded to the Congress movement but by all independent public men in India, liberals and constitutionalists without a single exception, and an opinion which is strongly supported by a large and influential section of liberal and radical politicians and publicists in England.

Before I proceed however I shall be failing in my duty if I did not congratulate the Hon'ble Finance Member and the Government for their valiant fight for the redress of the existing injustice to this unfortunate province and the message of hope which he has been able to convey to us—a message which means so much to the future good administration of our province. The whole of Bengal is deeply grateful to the Government and my personal thanks and congratulations are due to the Hon'ble Mr. Woodhead. For I know what an important part he has

played in this matter and with what single-minded devotion and ability he has served the cause of Bengal at this most critical juncture of her history. But, Sir, we are not still out of the woods and we have to wait till the financial adjustments of the provinces are finally made, but we all agree with the Finance Member that we have every reason to pin our faith in the assurances of the Federal Finance Committee of the third Round Table Conference that the province will be placed in a solvent position by being granted a substantial portion of the jute tax and the income-tax, accepted as they have been by the Conference itself. We note with great satisfaction that the Hon'ble Finance Member is still carrying on the struggle so that the new Reforms redress completely and not merely partially the injustice from which Bengal has hitherto suffered. We want a larger share of the income-tax, particularly as we apprehend that our future income from the jute tax whether levied in the shape of an export duty or as a provincial excise is likely to be much smaller than made out under present calculations. We will also have to make a strong fight for the liabilities of this province to the Central Government for carrying on the administration since the days of our deficits began to be completely written off, so that we might be able to begin to work the new constitution under fair and equitable conditions. We are very grateful to the Finance Member for acknowledging the assistance which Government have received from the public in carrying on this struggle and we can assure the Finance Member that we shall not fail to do all that we can and all that he may need from us to support the Government in obtaining a final and satisfactory decision on this most fundamental issue about the future of our province.

Sir, I am aware that on this occasion we have to consider only the general issues involved in the budget, and I do not therefore propose to discuss in any detail the action which Government have been able to take in connection with the very able report submitted by the last Retrenchment Committee. Personally I am in no great hurry, but I do think that the House would have been more satisfied if the Government had shown greater promptitude in dealing with the larger measures of economy recommended by the Committee if not by taking final action by indicating definitely what their considered findings are. The most important of such issues is undoubtedly a reduction in the cost of the present cabinet about which it will be safe to assert that there is complete unanimity of opinion both in this House and in the press representing the views of all communities. We are all wondering what difficulty the Government is finding in following the lead given so long ago by Bombay and why while every pice is so valuable to balance the budget and help this bankrupt province thoughtless waste should be allowed to continue in a quarter, from where both the public and this House expects an example of rigid economy and patriotic self-sacrifice. Sir, I am sure the Government must fully realise that even if we do

succeed in securing an addition to our revenue under the new Reforms by say three crores, and it is extremely doubtful whether the jute tax will bring us as large a sum as we expect, we will still have extremely little left for any progressive schemes after meeting the cost of the administration even on the lines we have been compelled to move for the last quarter of a century. But the present catastrophic economic crisis through which the province is passing has thrown into lurid relief the utter bankruptcy and the many crying needs of this starving, enfeebled and resourceless province. The extraordinary fall in prices has reduced the agricultural classes forming by far the largest majority of the population of the province, who at the best of times are overloaded with debts, and are without any resources for tiding over bad times to a state of practical starvation. They are unable to pay the rents and interest charges on their debts and are being driven to a state of exasperation which unless promptly and sympathetically handled by the Government is sure to lead to a widespread social and agrarian upheaval. The middle classes depending for their well-being on agricultural prosperity are in no less a sorry plight; and as regards unemployment amongst the educated young *bhadralok* classes the situation is more tragic to-day than it has ever been before. Nor are the *zamindars*, the professional classes and the business men in any more affluent circumstances. Sir, this province has long suffered from cruel neglect due chiefly to our financial embarrassment in the matter of State effort to develop her abundant natural resources, agricultural and mineral, and a bold and carefully thought out policy to develop the agricultural and industrial resources of Bengal is without any question the most urgent and paramount duty of the Government. It is some satisfaction that there are indications, though so feeble as to be hardly discernable, that the attention of the Government has been directed to this paramount and fundamental issue. But, Sir, a grant of a lakh of rupees for tackling the question of unemployment can at best be interpreted as only an earnest of the Government's good intention in this direction. Crores of rupees will be necessary and that spent over a number of years if a vigorous forward policy of agricultural and industrial development of the province is to be undertaken by the State. There is therefore the utmost need, even with the prospect of some financial relief in the future, for rigid economy in every department of the administration and for restoring the province to its normal conditions.

With your leave, Sir, may I be permitted to conclude by repeating what I said on the occasion of the last budget debate that without a more sympathetic and a more statesmanlike policy of dealing with the political situation no permanent improvement in the condition of the province is to be expected. I do not wish to digress here and to discuss at any length the question whether in Bengal the Government should still persist in its present policy in dealing with the civil disobedience movement, and in keeping in jail indefinitely those leaders

of public opinion whom the province so urgently needs to-day to organise a political party on a truly national basis for working the new constitution which we all hope may satisfy the reasonable aspirations of the people. Sir, let Government suppress lawlessness and kill the germs of anarchy and revolution by all means, but surely a great all-powerful but wise and far-seeing Government should know when to stay their hand. Sir, it is idle to argue that Government have been compelled to take up the challenge which the Congress threw down and therefore there will be no change in the Government policy until the Congress leaders publicly admit their defeat and avow their abandonment of the civil disobedience movement. The men you are dealing with and I am speaking from personal knowledge are attuated by the most unselfish and highest patriotic motives, and they can be trusted to behave in the future in a manner which would be most conducive to the best and most permanent interest of their motherland. Have the men whom you have already released returned to civil disobedience and even if they do have you stopped to consider whether the country is going to follow them? And lastly have you not enough powers ordinary and extraordinary again to lock them up if their being at large prove detrimental to the peace and progress of the province? Why not give them and give us a chance? We are all anxious in Bengal to build up a truly national party and we feel that our most selfless, capable and patriotic leaders are being kept behind the prison bar and God only knows when, if ever, they will come out. Lakhs and crores of rupees are being spent in the meanwhile in pursuing a crude policy for fighting disorder merely by the extension of our jails and the arming of the executive with more and more rigorous and drastic powers, while no real steps are being taken for enlisting the sympathy and co-operation of the best minds of the province, a policy which is creating an ever-increasing circle of dissatisfaction and resentment which though not apparent on the surface is burrowing underground and which helped by the acute economic exasperation of the people is sure to lead to a catastrophy unless better counsels prevail and Government is pleased to follow a more humane, a more wise and a little more far-seeing policy.

4-10 p.m.

Maulvi ABUL KASEM: Sir, it is with some reluctance that I rise to express my opinion on the administration. I feel reluctant, because I find that I am crying in the wilderness. My friend, Maulvi Tamizuddin Khan, in his admirable address complained that the opinions of the members of the House are not cared for by the Members of Government. I have to add to it that many Members of the Government do not even condescend to wait and hear what we have to say about the conduct of the departments over which they control. Now, Sir, I am not a very good student, and particularly of finance, but as a man in

the street I can pass a common sense judgment on the budget presented to us last week. In spite of my respect and admiration for the ability and experience of the Hon'ble Mr. Woodhead, I am sorry I cannot join hands with my friend, to congratulate him. He has presented to us a budget which he has himself declared to be a gloomy one. He has our sympathy, but at the same time I must say that the budget could have been a better one if Mr. Woodhead had put down his foot on some of the extravagant expenditure in the several departments. Sir, specially to a common man it appears that the province which cannot meet——

(At this stage the Council was adjourned for 15 minutes for prayer.)

(After adjournment.)

Maulvi ABUL KASEM: Sir, the budget presented to us, as I have said before, has been declared by the Hon'ble Finance Member to be a gloomy one. It shows a deficit, and what is more, an uncovered deficit. Any head of any business firm, if he was asked by anybody to keep his deficit uncovered, would only say "Satan, get thee behind me", while the Government do what a business man dares not do. I admire the cleverness of the Hon'ble Members of the Cabinet in instructing and advising His Excellency the Governor to defend them in this House in his address this afternoon. They want to defend their existence not themselves but through the Governor so that the non-official members may not question the wisdom or the reasonableness of their existence. But, Sir, to have a Cabinet of seven and with a princely salary reminds me of the conduct of a *zamindar* whose estate was encumbered and was taken charge of by the Court of Wards. He was a Nawab and he was given an allowance of Rs. 100 for his expenses. His friends naturally asked him to make a budget of his expenses, otherwise he would have nothing to spend. He said that it was certainly desirable to have a budget, but when he wanted to dictate the details of the budget, he put down Rs. 50 as the pay of his cook. When he was asked how he would meet his other expenses if he paid Rs. 50 to his cook, he said that on the cook depended his life and health and therefore the cook was an important member of the staff and should be well paid. Sir, we are told that Bengal may be bankrupt but it is necessary that the Cabinet should be strengthened because the country is now surcharged with terrorism and subversive measures, and what is more, the reforms are coming and the details have to be gone into. Sir, we have our Reforms Officer, we have the Secretariat and other offices, and as regards the terrorist movement, may I ask what the Members of Government other than the Political Member have to do in dealing with it? Whenever I have had occasion to bring anything in connection with the terrorist movement to the notice of any of them, I have been told by each and every Member, "Well, I have nothing to do with these—

these are dealt with by the Hon'ble Mr. Prentice"; and that is the case with the various departments of Government, including the nation-building departments.

4-40 p.m.

In no country where there is a deficit in the budget should it be permitted to have a Cabinet so big, I might say, so unnecessary too. Sir, I may say, that the bulk of the work is done by the Ministers, because all the important departments under their charge take the time and attention of the Government for various reasons. The first reason is that these departments have been so long neglected and have remained uncared for. The second reason is that they exercise great influence and are of great service to the whole country. But, Sir, what about the four Hon'ble Members of the Executive Council? Except the Hon'ble the Finance Member and the Hon'ble Member in charge of Law and Order, the other two Hon'ble Members are like the fifth wheel to a carriage, and that is my honest opinion. The Revenue, Irrigation and Forest Departments can well be managed by one Member, if not by the two Members I have referred to. Sir, His Excellency was pleased to observe in his speech to-day that a big Cabinet is necessary to maintain the communal equilibrium. I submit——

Mr. PRESIDENT: Are you criticising His Excellency's action, or the policy of Government? You are not supposed to offer any criticism with regard to the speech which His Excellency has delivered here this afternoon.

Maulvi ABUL KASEM: Sir, what I was referring to is that Government justify large Cabinet on the ground that there should be two black men and two white men—one Hindu and one Muhammadan, and that on that basis they should have an Executive Council of four. Sir, with due respect to Government I submit that communal equilibrium is not to be maintained by putting one Muhammadan here on a high position and a Hindu there on a fat salary, but by dealing justice or at least fair play to each member of a community. But then that is a different matter.

Sir, a good deal has been said about the Retrenchment Committee and its report and I submit that Government has taken steps to cut the salaries of clerks and subordinate officers and has in some cases reduced the number of chaprasis and clerks and people like that. That, I think, affects their efficiency, because they are the men who have to work hard and in addition get overburdened with work on account of the reduction in staff. I ask, Sir, if they were unnecessary, why were they kept so long; but if they are really necessary it would be bad economy to cut the salaries of these poorly paid men,

who find it difficult to make both ends meet and are mostly on the starvation stage, especially as you are giving princely salaries to your high officials. Government and the superior services have always taken particular care first to protect themselves in considering the question of retrenchment. It is a sort of mutual admiration society, which tries to give satisfaction to everybody at the cost of the people who cannot have their voices heard and speak out.

With reference to the Indian Members of the Cabinet, I am glad to be able to say that they are all well-to-do men, *zamindars* and, I might add, territorial magnates. They do not require the inducement of £. *s. d.* to place their services at the disposal of the country and the Government. They might do so from a sense of duty and as such they cannot claim remuneration for their work. At the same time it must be understood that they should not be out-of-pocket and made to meet their expenses from their own funds by having to live in Calcutta in order to render service to the public. But this is no ground or reason why they should get more than what their wants and necessities require to maintain their position and their dignity: they should get only that amount and no further. They should not be allowed to increase their banking account. With these words, Sir, I leave the Cabinet aside.

Now, Sir, the question arises as to the huge sum of money that we have to spend on the political situation and the terrorist movement. I submit, Sir, that the terrorist movement is a menace to the province, and the movement for the subversion of law and order is almost as bad as it strikes a death-blow to the progress of the province. Sir, whenever Government have wanted power we have given them power; whenever Government wanted money we have given them money; but what is the result we have got? I am afraid that there has not been a sufficient return for the money we have spent for the suppression of the movement. We feel that there has been some lack of statesmanship in this and I think that if the whole movement had been properly managed it would have been eradicated long ago; and, what is more, the only method which is considered suitable in Writers' Buildings is to send a large number of young men to jail and make them His Majesty's guests. But it is known to everybody outside Writers' Buildings that they have sent to jail persons who are themselves very anxious to go to jail, so that they may play the martyrs afterwards, and they are also very comfortable in jail. But I submit that if the Government had been wise enough, and what is more, if their subordinates had served them loyally and faithfully, the whole movement would have been eradicated long, long ago. Sir, I have nothing more to say. The Government have said that the Hon'ble Mr. Faroqui, the Minister in charge of Industries, has presented a report that he is going to adopt a scheme which will remove unemployment in this country. I submit, Sir, that

unemployment in the country cannot be removed by any effort on the part of the Minister for Industries. If you have to remove the unemployment difficulty you will have to change the whole system of education and your educational policy, and it really rests with the Hon'ble Mr. Nazimuddin to do so. As long as there are 25,000 boys preparing for the Matriculation, with no prospects of success in future, unemployment is bound to remain in the country.

One word, Sir, I would like to say with reference to a remark of my friend Maulvi Tamizuddin Khan. He cast a flirt at the Hon'ble Minister in charge of Local Self-Government by saying that he was spending money for the eradication of malaria in his own native district. (A VOICE: Charity begins at home.) He however forgets that Burdwan is the birth-place, the home and the permanent residence of malaria in this province, and if Government had to make any experiment that experiment ought first to be made in the worst place, and it is unfortunate that the Hon'ble Minister happens to be a resident of that district. Furthermore, I might tell Maulvi Tamizuddin Khan that the people of Burdwan pay four times as much land revenue as his district pays. Burdwan alone pays Rs. 31 lakhs on account of permanently settled estates, while Faridpur, Barisal, Dacca and Mymensingh, all put together, pay only Rs. 26 lakhs. Our revenue is large; but our income has been reduced. Our purchasing power also has been reduced partly by measures taken by Government and partly by the railway administration. The railway embankments have stopped the flow of water across the Damodar and have silted up her bed; also Government's efforts to protect the port of Calcutta in addition to other methods have led to this state of affairs, and that is the reason why malaria is there, and scarcity is there, and that is why we demand that in the future administration of the country—of course we have no hand in it at present—in justice and fairness some remedy must be given to the people of Burdwan. Therefore I think that the time has come when the Government should not pay so much attention to what are absolute phantasies, but devote themselves to increasing the productive power of the country and the earning capacity of the people.

Babu SATISH CHANDRA RAY CHOWDHURY: If we cannot congratulate the Hon'ble the Finance Member on his presentation of a balanced budget, we can at least give him thanks for the trouble he has taken to analyse thoroughly and to diagnose the causes which have led to the present financial condition of the Government of Bengal. I find, Sir, in that analysis he has touched on one point, with which we are all in agreement, namely, the question of the world-wide depres-

placed before us since we came to this Council and it has been asserted repeatedly that these are the main causes of our present economic trouble. But it is for the first time that we have had from the Hon'ble Member in charge of Finance that the real cause of fall in revenue is the loss of the purchasing power of the people of Bengal and of the *raiyats* in particular. This loss of purchasing power is due, according to him, and certainly that is a fact, to the fall in the price of the staple crops—jute and rice. A tremendous fall in prices has been indicated in his speech and it is the staggering figure of 1,22 lakhs in the course of one year. That fact being there—this loss in the purchasing power of the people of the country—and if it is a real factor in the fall of revenue (which is also tremendous), the question naturally arises: How are you going to increase this purchasing power of the people to make it a permanent factor in making your economic position stable? No Government can rely simply on certain casual conditions such as of huge receipt from stamps, etc. Permanent stability of course depends ultimately on the prosperity of the people The balancing of the budget by the Government would be meaningless unless it was an index of the economic improvement of the people of the country. So far as the Government are concerned, they will carry on whether there is a surplus or not, whether there is a deficit or not: that will be more or less the look-out of the Government. But the people have a right to demand of a civilised Government that they should be placed on a sound economic footing, so that they can always contribute to the prosperity of Government. This therefore is a question of paramount importance for the Government as well as for all of us. How is the economic condition or the purchasing power of the people to be increased? Sir, it has been stated, and the Hon'ble Member has hopes, that with the unsettlement of the Meston Settlement or with the restoration of 50 per cent. of the jute duty to Bengal, the position of the Government will improve; and so far as the efforts of the Government of Bengal are directed towards rectifying the errors of the past, our thanks are certainly due to the Government. We assure them of our unstinted support in all the endeavours that they have made and that they have promised to make, and in this matter the part that the Finance Member has played is very great and it is being appreciated all round. But we have it from the report of the Franchise Committee that even if this settlement was to be unsettled even then the Government of Bengal would not be left with any appreciable surplus of revenue.

That is a matter which deserves to be seriously pondered over. If after all our labours and after the new Constitution we are left merely with a balanced budget, and if we have not sufficient funds left in order to contribute to the well-being of the people, morally, materially and intellectually, certainly I have a right to say that the Government

has not answered all the purposes for which a modern civilised government exists. The question of this increase in prices and of the addition to the income of the people—of the *raiyats* for the matter of that—is a question which should engage the serious attention of Government. Retrenchment may undoubtedly go to a certain extent in relieving the gloom, but I am not an orthodox believer of too much retrenchment. There may be too much retrenchment, as there may be too little. Look at the nation-building departments from which we expected a good deal and the nation expected a good deal, the Ministers have not been able to turn out anything tangible since the Reforms were inaugurated. One reason undoubtedly is that sufficient funds were not placed at their disposal. If a proposal was to come for retrenchment in the nation-building departments, I would set my face against it, because I am not a believer in such retrenchment, because I do not believe in simply balancing the budget of a Government. A progressive Government which is out to do good to the people, to lift the people out of the mire, to the full height of their capacity, is not satisfied with merely balancing its budget. That being my position, I do not understand how matters can improve very much for the people of Bengal unless the purchasing power—as it has been put by the Hon'ble Member so ably—of the people increases.

One member of the House said something about the Permanent Settlement. I shall not tread on that dangerous ground. No doubt the Hon'ble Member in his speech has referred to this question of the Permanent Settlement as being responsible for the inelasticity of land revenue. It is a matter which I leave for the present, but the real question which we must all endeavour to answer conjointly is, how, as matters stand at present, are we to increase the purchasing power of the people which will be reflected in the prosperity in the shape of increased revenues. That question is not very difficult to answer. If our study of the affairs of other civilised Governments—take Japan and Russia for example—has not been in vain, we find that this question has been answered and answered in other countries very effectively. You cannot rely very fully on an agricultural population for carrying on a costly modern government; every nation must be more or less industrialised. We have it that this world-wide economic distress has hit hardest the agricultural countries, and Bengal is pre-eminently an agricultural country, and has been hardest hit, and therefore the sufferings of our people is the greatest. There has not been any attempt up to this time to add to the income of the people, by placing some other means at their disposal. As the famous author of that book "Field and Factories and Labour" showed long ago, in these days of world competition, in these days of keen competition, you cannot depend simply on agriculture. No nation simply by depending on agriculture can thrive and prosper. Field and factories must be brought close

together and labour must be joined to both. If the agricultural people of Bengal are to be protected, and if they are to be made the basis of improvement of other classes as well as of the Government, in that case to put it in a few words, the only alternative is to industrialise Bengal more or less. In this connection I beg to submit that the history of the Government of Bengal has been a history of lost opportunities. It has been a sad history of lost opportunities from the beginning. I need not go into the story of her dying industries like calicoes and cotton textiles and fabrics of the olden times. But if we concentrate our attention on modern times, we find that it is a culpable failure on the part of the Government to respond to the needs of a modern and progressive nation, and to discharge the responsibility of a civilised Government more or less. Since the Reforms we have not got even a little finger of the Government raised in order to find ways and means to convert these people into an industrial population. We may mention by referring to the budget, where we have got a salt revenue head. We have had this taxation imposed here in the teeth of our opposition and protest. It was expected that this tax would at least result in the restoration of the salt industry of Bengal. But up to this time nothing has been done to revive this industry which was at one time a prosperous industry, although the revenue from this source for the last 3 years comes close on 17 lakhs of rupees. So far as the textile industry is concerned, I would leave it alone for the time being just referring to it by way of illustration. Although experts say that Bengal is really more fitted and suited for the production of cloth, still we know that Bengal is poorer than some other provinces in the matter of cotton mills, and production of cotton piecegoods. In this direction also there has been very little encouragement from the Government. The fact remains that Bengal has to purchase a large part of her cotton goods from the other provinces and from foreign countries as well. Then we come to one of the most important items in her agricultural resources. I mean the sugar crop which at one time was the only crop which used to bring money to the pockets of the agriculturist. It was once the main money-producing crop before jute came into the field, and even after that, and before, there was a boom in the jute market. We all know that in my part of the country, which was one of the largest sugar-growing districts in Bengal, we used to be roused in our younger days from our sleep in the early hours of the morning by the sound of the cane-pressing machine. Then sugar was plentiful and there was enough to consume and to spare, and money was not so scarce as it is now. But this industry was allowed to die out without any effort being made on the part of the Government, and our country was swamped by Java and other foreign sugar, leaving no other alternative to the agriculturist but to rely on jute, and since there has been this fall in the jute market, there is an outcry again to find a substitute for this crop. There is not much hope for jute in the

near future, however one might try to revive it. It is to all intents and purposes dead for a long time to come. The price of Rs. 3, Rs. 4 or Rs. 5 will not be enough to bear the cost of production and leave a bare margin to the cultivator. The question now is to find a substitute for jute and here again we are in a hopeless position. Though we have been assured often and often that Government is moving in the matter, and that efforts are being made to reintroduce the sugar crop, yet we see that the other provinces have got the start of us, *e.g.*, in Bihar and Orissa and the United Provinces, mills under European and Indian managements have been started and our local markets are being flooded with sugar at cheaper prices from those provinces making it difficult for our cultivators to have any market left for their own product. This serious position is due to the fact that Government is not moving with that amount of earnestness which may be expected of them——.

(Here the member reached his time-limit, but was allowed a couple of minutes to conclude his speech.)

Government have not done all that they ought to in the matter of increasing the industrial wealth of Bengal. It is not a question of want of money so much although that is the only plea advanced by Government. Money will be forthcoming when it is thought to be essential by the Government. As Sir Daniel Hamilton has said, it is the credit of Government which matters more than cash money. If the Government had come forward we make bold to say that funds would have been found for the revival of these and other lost trades and lost sources of wealth. The Government can borrow and add its immense credit to the borrowed capital and solve the financial difficulty only if it has the will to make Bengal happy and prosperous. A mere balancing the budget will bring no consolation to the starving millions of Bengal. The sooner this is understood the better.

Mr. S. M. BOSE: At the outset, I must congratulate the Hon'ble Mr. Woodhead for his maiden budget speech. He has made the intricacies of finance intelligible to the man in the street and by his lucid exposition, he has enabled us to understand what would otherwise have been a maze of figures. His speech has brought home to us the splendid fight that the Government of Bengal has put up in the interest of the people against the unjust Meston Award and the unfair retention by the Central Government of the jute tax and most of the income-tax. I congratulate the Government for the stand it has taken up and also our representatives in the last Round Table Conference. A grave wrong, continuing for twelve years has, in spite of the law of limitation, at last been set right. But what incalculable loss has it occasioned to Bengal during this period! Owing to Bengal being starved, the Reforms have never had a fair trial here. Beneficent

nation-building activities which would have reconciled people to hardships and taxation, have been made practically impossible and I have not the least doubt that the injustice to Bengal has largely contributed to the unrest prevalent here. From this point of view, the Government can well demand that the new Government shall start without the incubus of debts for current overdrawals. I rejoice that our Government has taken a leaf out of the book of Soviet Russia and Ireland and has advocated repudiation of debts. This is quite justified, and really Government may stand aghast at its moderation for claiming damages for the wrongs for the last 12 years at such a low figure. I believe the total of current overdrawals from 1931 to 1934 will be about 4½ crores. On the other hand, since the jute tax was imposed in 1916, Bengal has contributed nearly 50 crores of rupees to the Government of India, and has been robbed of this revenue. It has further contributed 213 lakhs of rupees net to the Government of India for income-tax. So apart from other considerations, the amount of which Bengal has been wrongfully deprived is considerably in excess of the debts now to be repudiated. But this is not all. The injustice to Bengal has been the cause of unlawful agitation here and I maintain that the Meston Award has contributed to anarchism. I suggest that the whole of the loan advanced from the Provincial Loans Fund and not merely that to cover overdrawals should be wiped off.

Now I want to touch upon two important topics dealt with in the invaluable Retrenchment Committee Report, which should form the basis of retrenchment.

The first is the lowering of the present scales of pay (paragraph 375) and the second is the Indianisation of the services (paragraph 387). These go hand in hand.

Everybody from the highest to the lowest feels that the existing scales of pay are extravagant and should be reduced substantially, specially in superior services. As the Committee have pointed out in paragraph 140 of their Report, there can be no justification for the present high rates of basic pay of the members of the I.C.S., and we entirely support the suggested scale of pay. Further, owing to partial stoppage of recruitment and other causes, we have the extraordinary spectacle of junior officers being placed in charge of districts. From the Civil List, I find that after 2 years' service, an I.C.S. officer can be a Joint Magistrate; he can be a District Judge after 5 years; he can officiate as Magistrate and Collector after 6 or 7 years; and can become a full-fledged Magistrate and Collector after 10 or 11 years. So we find now young men of 30 in charge of a district. This is one of the reasons why the majority of the Retrenchment Committee recommended the retention of Commissioners—to look after such young men—"A sight to make the surrounding people stare, a district entrusted to a schoolboy's care" (to parody the lines applied to William Pitt).

There has been of late rapid promotions in the I.C.S., where recruitment still goes on and very rapid indeed in the I.E.S., where recruitment has been stopped. As the Committee have pointed out in paragraph 251 of their Report, this has led to the exceptional rate of promotion now enjoyed by officers in the I.E.S. The total number now in the service is very small but no reduction has been made in the number of posts in the selection grade, with the result that junior men are being quickly promoted to this grade. The scale of pay here also should be reduced as recommended unanimously in paragraphs 248 and 250.

The people feel keenly that while the pay of the subordinate staff is being curtailed, the pay of the heaven-born services, the all-India services, cannot be touched by us. This is a serious anomaly and is giving rise to considerable discontent.

There must be a reduction in the scales of pay all round. Nobody to my mind is worth more than Rs. 4,000, the pay of a High Court Judge. This maximum pay should be rigorously enforced in all cases of new appointments.

Next, I come to the allied question of Indianisation of services. This is one of considerable importance; not only on the ground of economy but on the ground of our inherent right to services in our own country. Perhaps, at one time, there was a need that the responsible posts should be filled up abroad. But that time has long past. Now it cannot be denied that there are children of the soil who are quite capable of filling up these posts. Of course for certain appointments, experts are necessary and so long as suitable Indians are not available, we shall certainly employ foreign experts on special contract. As the Retrenchment Report points out (paragraph 387) a certain percentage of officers in the two security services will continue to be Europeans for years to come. We welcome the help of Europeans as civil *servants* but not as *masters* to control our fate.

Further, our demand is not only that the higher posts should be *Indianised* but, so far as possible consistent with efficiency, also *Bengalised*. We, the children of Bengal, born or domiciled, have the preferential right to serve Bengal.

I would specially ask the Hon'ble Member in charge of the Home Department to tell us what policy is being pursued by Government to give effect to the two important recommendations I have referred to:—reduction of scales of pay in the superior services and Indianisation of the services. What are they doing about these? What recommendations have they made about them? We want Government to take us in their confidence.

Finally, a word of congratulation to the Ministers. I am indeed very glad to find that the Hon'ble Minister for Education will be able

to give partial effect to the Primary Education Act. We are all deeply interested in this very important matter and I hope that he will bear in mind the need for girls' primary education. Next, I congratulate the Hon'ble Minister for Industries for the measures taken to cope to some extent with middle class unemployment in Bengal. The schemes initiated seem well calculated to give scope to the energies of our young men and I wish the Hon'ble Minister every success. I lastly congratulate the Hon'ble Mininster for Public Health on his being able to get additional grant for quinine and for a bold attempt to grapple with malaria which will be watched with great interest by people who all wish him success.

Mr. W. H. THOMPSON: Mr. President, Sir, may I congratulate Mr. Woodhead on the admirable speech with which he introduced the budget, but let me not be misunderstood. I am congratulating Mr. Woodhead on his speech, but not on his budget. That the term of the Montagu-Chelmsford Reforms should be marked by a budget so deplorable can only be a matter of regret to us all. We can only look forward now to the future. Whatever the financial settlement, Bengal must help itself. Let us hope that with the free hand which the autonomy will give it this Government's constitutional successor will have the strength of purpose to raise revenue in Bengal as much as is necessary and to spend it as it should be spent. I am not suggesting the cancellation of the Permanent Settlement. That would disturb too many vested interests and upset the countryside to too great an extent, but I do visualise in the future, and not in the very distant future, some new sort of taxation upon landed interests. I am, however, going further than the budget of 1933-34. As regards that may I first mention the alteration in the cut in salaries of Government servants from 10 per cent. to 5 per cent.? In Delhi the representatives of commerce and industry opposed any alteration of that cut unless at the same time the 25 per cent. surcharge on income-tax was removed also. Last year when the 10 per cent. cut was imposed Government servants were spared the surcharge on their income-tax. The action which the Government of India has taken on this occasion I do not hesitate to describe as wholly dishonest. The Government of India has given a little difference back to its own employees—the difference between 5 per cent. and the income-tax—but it has imposed on the provinces the necessity of giving back the whole of the 5 per cent. to the provincial Government servants while from these provincial Government servants it is taking for itself the surcharge on income-tax. The Government of India is going to make a profit out of it. Is that charity, to give away something at the expense of another? May I ask the Government of Bengal, to put the matter to the Government of India in that light? The Government of Bengal has said that in regard to your own salary, Sir, it has left the matter to the vote of the Council. May I say that

the European group is opposed to any cut there? As regards the Members and Ministers our group, I must admit, is somewhat disappointed at what His Excellency has just said on this point. There is no doubt the occupiers of the seven seats in the Treasury Bench got at him before we had a chance and persuaded His Excellency to come here and see for himself the fact that there are seven seats in a row there which obviously must be kept filled.

We, Sir, in this group would have been in favour of reducing one Member and one Minister, though we would not reduce the salary of any individual beyond the 5 per cent. cut. Sir, year after year in our budget session we discuss threadbare the same old grants. I suggested once before two years ago that we might introduce some variety into our discussions if the order of the sub-heads under the main heads were altered in the budget, so that new subjects could come up. Sir, up to two years ago we used always to have a discussion about the Court of Wards and it happened because there was an allotment for expenditure on establishment in wards' estates which came fairly early under the head "Land revenue". Is it to avoid discussion of the subject that that particular allotment has been taken out of "Land revenue" and put away at the back of "General administration" where we cannot get at it? Sir, in this country and other countries the Court of Wards is intended to look after the estates of infants and lunatics, but nowadays any landlord who has reduced his private affairs to such a state that his property is hopelessly in debt expects that the Court of Wards will take over that property and give him an allowance. So, it comes about that the cultivator in Noakhali district is told that his rent will be summarily realised by Government because his landlord has squandered Rs. 40 lakhs. Does that bring Government to good repute in the district? I submit, no, and it does not please us taxpayers that when realisation is made the money should be spent to pay off the debts of the landlords, while the land revenue is allowed to go into arrears. Sir, when I mentioned—and I believe it is true—that an application to be declared a disqualified person was received from an active member of the Central Legislature and this was not immediately turned down by Government, it reduces the present policy of Government in regard to Court of Wards to an absurdity. There is another matter which we shall not be allowed to discuss during the voting of the grants, and that, Sir, is primary education. We are never allowed to get at it. Sir, it is true that the cultivating classes with the fall in prices are in a very bad way and that has been the reason or the excuse why the Primary Education Act has not yet been put into force. But may I ask you to look for one moment to the figures? The average worker in agriculture in Bengal has 2½ acres and the *raiyati* rent is rather under Rs. 4 per acre, that is to say, the assessment of education cess on the average worker in agriculture will

under the new Act be 3 pies per rupee on Rs. 9—something between six or seven annas a year. Even in these bad times that is not a very heavy charge to meet and with the slightest improvement the cultivator will willingly pay that if he sees that primary education is really going to be started, if he is led to believe that the money will not merely go to the landlords' pockets. The case of the landlords is rather different. There are according to the census about a million and a quarter people in Bengal living on the receipt from rent of land —a million and a quarter people who have had no increase of taxation for 140 years. Can you, Sir, point to any such considerable body of people in the whole world who have had similar immunity? Look what has happened in this country in the case of professional men, business men, and industry. Look how income-tax has been multiplied in the last 20 years, and then comes this slump. The Government of India cannot balance its budget and a surcharge of 25 per cent. is put upon income-tax, while by contrast the landlords of Bengal pay no more taxes and indeed avoid imposition of a tax which has already been passed by this House. Now, Sir, may I make one practical suggestion in this connection? To obtain collection willingly from the cultivator he must be convinced that primary education is really going to be given to him. You can now borrow through the Government of India cheaper than you have been able to borrow for the last 35 years, and cheaper probably you will be able to borrow when autonomy comes. Borrow the money and build the school in the cultivator's village—a little *pucca* building that will last. Build the schools and get on with the training of the school teachers. Remember the appointment of primary school teachers is likely to go further towards solving the problem of *bhadralok* unemployment than any other suggestion that has been made—many times further than sending out 28 peripatetic groups of people round the country side.

Mr. SHANTI SHEKHARESWAR RAY: Sir, it is a very unpleasant business to say hard things, but the Government of Bengal by presenting their budget before the House have invited unpleasant criticisms from us, and I hope, though the criticisms may be unpleasant, the Hon'ble Finance Member will take it in a good spirit. Sir, I shall try to place before the House and Government the views of the man in the street about this budget. It is a thoroughly disappointing budget, with practically no redeeming feature. As a rule we are used to *mamuli* budgets in the provincial Legislative Councils. These budgets rarely, if ever, create a sensation, but with a new man at the helm of affairs in the Finance Department it was expected that some novelty will be introduced in the presentation of the budget. Well, the Hon'ble Mr. Woodhead, though he is a new man and though he comes with experience at Delhi and Simla, has presented the *mamuli* budget. The most

disappointing feature of the budget is that the Government of Bengal have taken no notice of the demands for retrenchment in the administration. They have practically shelved the report of the Retrenchment Committee. However tactful the words may be which the Hon'ble Mr. Woodhead has employed in shelving the Retrenchment Committee's report, the fact remains that the report has been practically ignored in framing the budget. Sir, the details of the budget will be criticised in due course and I need not anticipate the criticisms that will be forthcoming after a fortnight, but I shall only deal with one or two points here to-day. I shall particularly refer to the speech delivered by the Hon'ble Mr. Woodhead the other day. I find that in that speech there has been no reference about the disposal of the Bengal Government's share of the additional import duty on foreign salt. The actuals for 1931-32 were about Rs. 5 lakhs and the estimated sum for the current year is about Rs. 6 lakhs. I should have expected the Hon'ble Finance Member to have made reference to the subject and particularly to have supplied the House with information as to whether any instructions of the Government of India were communicated to the Government of Bengal as regards the disposal of this amount. Sir, an assurance was given in the Legislative Assembly by the Government of India that a part of the proceeds from the salt duty would be devoted to the development of the salt industry in the province of Bengal. Looking at the budget I see no such provision at all. As a matter of fact the whole amount has been credited to the general funds and utilised to balance the budget. Sir, what does this mean? I think in the language of the Penal Code it would amount to misappropriation. Sir, my impression is that if the Government of Bengal had allotted a particular sum to a local body for a particular purpose and that local body instead of spending that sum on that particular purpose had diverted that amount to some other business, the Government of Bengal would have come down on that body. The Government of Bengal by setting such an example themselves have certainly put themselves in the wrong. I hope, Sir, as the Hon'ble Sir P. C. Mitter has assured us, that the Government of Bengal would take notice of this criticism.

There is another point about which I should like to make some observations. I refer to Grant No. 29 under head "47—Miscellaneous."

5-40 p.m.

In the revised estimate Government provide in the budget a sum of Rs. 1,50,000 for the cost of the Chittagong force. In the next year's budget they propose to allot a similar amount towards the cost of the augmented garrisons located in the districts. May I ask, Sir, if this force is a police or a military force? The Government is conveniently silent on the point. If the amount is meant for the military force or for the troops that have been brought to Bengal, I ask why should the

Government of Bengal pay for them? I raised this point in this House before this, and the Hon'ble Mr. Woodhead was unable to give us a convincing reply on that occasion. I expected that at least while presenting the budget this year, he would be able to give a more clear and definite statement of the position, but he has failed to do that. He has not only failed to do that, but by omitting the word "military" he has apparently tried to avoid the issue. Sir, why should the position of Government be such an apologetic one in this connection? The troops are there, and they are there in the interest of the people of Bengal as elsewhere, and I think the people are entitled to get the services of the troops that are maintained by His Majesty's Government in India. Sir, Bengal too contributes towards the maintenance of these troops, and if it becomes necessary to bring these troops to Bengal for a certain period of time, or even if they are required for all time for the safety, tranquillity and the maintenance of law and order in Bengal, I think Bengal can legitimately claim their services. Then why should Bengal have to shoulder an additional burden for the maintenance and location of these troops in Bengal? I am afraid it is due to the weakness of the Government of Bengal and particularly to the weakness of the Member in charge of Finance here in Bengal. We expect a stronger Finance Member in Bengal who should take up a manly stand and resist such a demand, if such a demand at all came from the Government of India. What is the position of the Government of Bengal? Have they hired out the troops that are maintained by the Government of India, or is it their position that they have been trying to get the sanction of the Government of India by placing in their hands this sum of Rs. 1,50,000, or will the Government of India refuse to send out these troops unless this sum is voted by the Bengal Council?

Sir, I hope the Government of Bengal will think over this matter and come to a right decision. They should try to remove the ambiguity and try to clarify the situation. I may say that the troops are not brought out to help in suppressing any rebellion in Bengal and they are not on field service; in that case, perhaps, the matter would have been different. As it is, the Government of Bengal by conceding to pay this amount have not only humiliated the people of Bengal, but even the Government of Bengal themselves.

Sir, I would like to touch on one other point which of course would have been better discussed while discussing the details of the budget, but as there is hardly any likelihood of that grant being reached, I would make my humble suggestion here. In dealing with the education allotment, I find that very little provision has been made for Sanskrit learning in Bengal. There is a good deal of feeling in my community —in the Hindu community—that the attitude of the Minister in charge of Education in this connection is not what it should be. Sir, personally

I have great regard for the Hon'ble Minister and I know that if it had been in his power to help Sanskrit learning, he would certainly do that. The difficulty is that he is unable to get funds from the Hon'ble Finance Member. But if that is the position, he should state that publicly so as to avoid misunderstanding and ill feeling.

Now, Sir, I would like to refer to the much-boomed Industries Department. I find that the Hon'ble Minister-in-charge is not here; so I would rather have unsaid a lot of what I would have liked to say in his presence. But it appears to me that the allotment of one lakh of rupees for the unemployment scheme can be justified more on political grounds than on its merits. I am surprised that it has passed the scrutiny of the Finance Member whom we generally expect to keep a very watchful eye on any useless expenditure. That allotment is hardly likely to solve the unemployment problem in Bengal. It may however give a certain number of unemployed persons work by way of propagating industrial knowledge, or whatever it is, amongst the masses and nothing else. I do not know if it is too late to examine the position again. If it is not, I hope the Government of Bengal would do that.

Mr. SARAT KUMAR ROY: Sir, I beg to congratulate the Hon'ble Finance Member on one very significant fact, that in spite of the great world-wide economic depression and consequent low prices of agricultural produces, he has been able to count upon an undiminished revenue which the landholding community of Bengal contribute to the Public Exchequer, I mean, under the heads "Land Revenue" and "Stamps". I must however point out that credit ought also to be given to that community which, although hard hit, still contribute to nearly half the provincial revenue. I however regret to note that their just claims to Government patronage in recognition of their services to the State, have been overlooked, by which I mean, the estimates for expenses are conspicuous by the inadequacy of allotment for the development of agriculture and particularly that of agricultural education and agricultural industries.

Sir, it is sufficiently clear to all of us that when half the provincial revenue depends upon the resources from land, it is only wise that such resources should be properly developed and properly marketed, so that the producers might get the best return from their lands. But, Sir, I regret to find that the policy adopted by the Government in this direction is far from satisfactory.

Imparting scientific education for adoption of the improved methods of cultivation, cattle breeding, dairy, poultry farming, fish culture and such like branches of agriculture, have been so long steadily neglected in this province; and I am sorry to find that no change for the better has been adopted in the policy of the present budget. The sums allotted

are conspicuous by their inadequacy. It is a matter of extreme regret to find that the sum devoted to Agriculture only slightly exceeds either of those devoted to unproductive items of expenditure such as items Nos. 46 and 47 under heads "Printing and Stationery" and "Miscellaneous". An item of expenditure which is likely to affect the main source of provincial revenue, I should say, Sir, certainly deserves more attention than this.

I now turn to a specific case. It is not unknown to this House that my late brother, Kumar Basanta Kumar Roy Bahadur of Dighapatia, has left a legacy in the shape of an endowment of about 4 lakhs of rupees in Government Promissory Notes, for imparting higher agricultural training by opening agricultural classes in connection with the Rajshahi College. It is satisfactory to note that after a lapse of some twelve years, the Government are now contemplating to accept the endowment. But the income derived from the endowment will prove insufficient to meet the expenses for imparting instructions in the higher courses of agriculture. The Government was therefore requested to supplement the income from the endowment with adequate recurring grants and also for the capital expenditure necessary for the accommodation of the institution. But I am sorry to say that Government could not see their way to comply with the request. Sir, though a *zamindar* came forward with such a handsome endowment for the real improvement of agriculture and the agriculturists generally, the Government could not come up with their share of funds to help them to avail of the opportunity fully. The result has been that only an elementary institution is going to be established and that also after waiting for more than 12 years. And still the question of housing remains unsolved.

Secondly, Sir, I am glad to state that after my efforts last year on the floor of this House, the Bengal Veterinary College is going to introduce from this year, instructions in cattle breeding and poultry farming in the curriculum of its studies. But I am informed that paucity of funds will greatly hamper the attempt. Adequate funds should have been provided for the purpose in the budget under review.

Thirdly, although investigations have been made on the prospects of fish industries no development of the industry has actually been attempted, nor any arrangements made for imparting instructions on the subject. Sir, by means of development in this branch of agriculture, not only the public at large will have the benefit of a valuable article of diet at a cheap rate, but innumerable agriculturists will have a profitable source of income.

And then, Sir, as we are expecting to get a very large share in the management of our affairs very soon, it is imperative to educate our people in such a way as to enable them to utilise the boon to the fullest extent. I submit, that in order to do so, a thorough knowledge of the ancient indigenous institutions of the country is absolutely necessary.

5-55 p.m.

For, unless one knows what he is best adapted for, how can he decide what course to adopt? And surely the study of one's own indigenous institutions is the best means to guide one in the proper direction. Sir, it is a well-known fact that the study of history of a country is of the utmost importance to students of politics of that country. But unfortunately, the ancient history of our country is shrouded in obscurity and needs unveiling before one can approach it. Sir, the Varendra Research Society of Rajshahi is one of the bodies, and I may be pardoned to say, the premier of their kind, except the Asiatic Society of Bengal, that carry on researches in this direction. But such bodies cannot be expected to thrive without adequate aid from the Government. I am glad to say that the Government have graciously made grants for maintaining its museum. And I am gratefully acknowledging those grants though inadequate. But, Sir, I am sorry to say that the Government have afterwards not only reduced the amount by Rs. 100 a month at first, but have again retrenched the balance further by as much as 20 per cent. last year, though retrenchments in other departments were not more than 10 per cent. Sir, I find in the budget under discussion, that though the retrenchments in other departments have been reduced by five per cent., the retrenchment in the case of the Varendra Research Society remains unaltered. Nay, Sir, the Society was threatened with a still further reduction of its grant, but through the kind efforts of the Secretary in charge of the Education Department, I am thankful to say, this calamity has been averted.

Hence, Sir, before I resume my seat, I earnestly request the Hon'ble Finance Member and the Hon'ble Minister for Education to restore the grant in full and thus enable the Society to carry on its research works unhampered. As regards other matters that I have raised in my debate, I hope, they will recognise their importance and try to make adequate provisions for them also, in the present budget, so as to enable the agriculturists to derive the greatest value from their lands and stocks.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I have joined the Council at the very fag end of its life, and I must confess that I have not had sufficient opportunity to study the budget of the previous year. Comparative statements in the budget give us some light, and I would base my general observations on that. Sir, we find that we are in a hopelessly bankrupt state, but we are on the eve of a great reform, and we very much hope that by proper adjustment, the province will be financially sound in future.

The Hon'ble the Finance Member has placed the budget in its stereotyped form—what else can he do under the present circumstances? I do not condemn him nor do I congratulate him for this

unfortunate budget, but I do congratulate him for his great budget speech. I find a large percentage of the receipt is going to be spent for law and order. Well, Sir, may I not ask, may I not appeal to the authorities to bring about such a state of things by which it will be possible to do away with the Elysium Row office and the military forces in the province? This mistrust, this suspicion, this tug-of-war are neither good for the people nor for the Government. Ours is a country which is the land of Sree Chaitanya which can be easily conquered by love. Then why all this show of force? Gestures of peace and goodwill are there, but the motion is very slow. Let it come quickly. Let the people realise, let them feel that they can talk, they can move about and they can breathe freely. Let there be an end of this tug-of-war, this great life and death struggle. You will not then require all these Ordinances, all these coercive measures and there will be peace once again in the land, and you will save several lakhs of rupees thereby. With this saving, you can build up the nation. Sir, a good Government stands for law and order, public health, education—industrial, technical, commercial, agricultural, and general including military education, for improving the financial potency of the country by prohibition, protection and preference in the field of commerce and industry—a good Government stands for the manhood of the nation, its moral and physical strength, and courage for the creation of a force to protect their motherland.

May I now ask if the Hon'ble Member-in-charge and the Ministers have been able to fulfil these conditions? I would myself answer this question. It is an emphatic "no." I do not for the matter of that blame or condemn them. The present constitution is responsible for this. The Ministers, however well-intentioned they may be, cannot have the money even if they cry hoarse over it. They will have to come to Mr. Woodhead and Mr. Blandy for money. Well, Sir, I would not dilate on this further, as we expect a change—a change which I hope will lead us to our goal. With the present resources at our command, I would, Sir, expect more money to be spent for the nation-building departments, more money should be given to local bodies, more money should be spent for technical, commercial and agricultural education. The economic condition of the people must be improved. A poor man in all sense of the term, cannot and will not thrive, he loses his manhood. It is the incumbent duty of a government to make the country happy and contented, not by words but my action. Well, Sir, the very high establishment costs swallow up the receipt as if the country exists for the establishment. What can we do with the poor balance—a বাজের আঁটি cannot give all that we want. If one does not do what is possible even under the present circumstances, he cannot avoid the blame and if the action be strongly criticised, you cannot and ought not to resent.

Look, Sir, at the other side of the picture—the innocent, unfortunate agriculturists who form the bulk of the population of this province are in utter darkness; they till their soil but do not get an adequate return. It is ignorance, want of education, want of guidance for which my poor countrymen cannot thrive. They are under the firm grip of Kabuli money-lenders; there are no co-operative banks to save them——

Mr. PRESIDENT: Would you take long, Rai Bahadur? I think it will be to your benefit to stop here for you will not have to address empty benches after the adjournment. I should like to adjourn the Council at this stage.

(The Council adjourned for fifteen minutes for prayer.)

(After adjournment.)

Rai Bahadur JOGESH CHANDRA SEN: Before adjournment I was dealing with the agriculturists and how they are in the grip of the Kabuli money-lenders, and there are no co-operative banks to save them. I would appeal to the Hon'ble Minister in charge of Agriculture to initiate this very moment measures by which these can be made possible. Let him recast the budget. Let him not have a set of men who only will write out reports, draw their travelling allowances and justify their existence. We, however, cannot but congratulate him for making some provision for solving the unemployment question. I hope in this matter establishment alone will not swallow up everything. By the way, I can suggest that sericultural education should be seriously taken up. While I was in Japan, I visited a district called Gifoo, where each and every family is interested in sericulture; this is also possible here. In Japan, Government takes up the initiative, starts such industries and demonstrates that it is possible for that country to take up certain work and then hand over to the people all such concerns. Why not imbibe that spirit and act accordingly?

Another side of the picture is, Sir, that there is no industrial training. There is no general education. We congratulate the Hon'ble Minister for Education for his attempt to introduce primary education. We have to hang down our head in shame when any outsider—a foreigner—comes and asks: Well, how many per cent. of your people are educated, what has your Government done for their education? Well, Sir, I do not know which point I should not mention. My time is limited, and it is not possible to dilate further on this point. Some one whispers, Sir, and says that these are being neglected intentionally: Well, Sir, that is a complicated and naughty question. I would leave that unsolved for the present. I congratulate the Minister in charge of Local Self-Government for not curtailing much of the public health and medical grants and for his bold malaria scheme. In

the supplementary budget, if it is not possible now, I would expect the authorities to provide more money for all the departments to which I have referred and thereby set things right and bring about peace and contentment in the country and I hope my constructive suggestions will not go in vain. I am not a believer in destructive criticism as that does not carry us very far.

With these words, Sir, I conclude my remarks on the budget for 1933-34.

Mr. A. F. M. ABDUR-RAHMAN: Mr. President, Sir, to take part in the general discussion of the budget is more or less of a ceremonial nature. Following the time-honoured custom of this House I take part in the general discussion of the budget. The Hon'ble Finance Member has presented a deficit budget like his predecessor. The budget for the year 1933-34 reveals a much more doleful story than that of the last year. Quoting the words of the Finance Member, "It is more than unfortunate that when the revenue position demanded that every economy should be made the promoters of anarchy should have involved the province in additional expenditure of this magnitude —I mean 53¾ lakhs." It has been found that Government have been compelled to incur 122¼ lakhs as an additional expenditure in connection with the civil disobedience and terrorist movements during the three years ending with 1933-34. This expenditure is no doubt unavoidable if law and order is to be maintained in the country. But at the same time it is the bounden duty of the Government of the province to look to the condition of unfortunate peasantry who constitute the bulk of the province. What has become their position to-day? They are practically starving and naked. They cannot even enjoy two full meals a day and procure a loin cloth just to cover their shame, not to speak of meeting the other necessities of life. From the budget speech of the Hon'ble Finance Member it appears that 50 per cent. has dropped in the price of jute compared with the price of 1929 and 1932 and similar drop in the price of rice. But if to-day's figure is collected the drop will be 75 per cent.: that means the position of the agriculturists of Bengal has become worse by 75 per cent. than that of 1929. But still the poorer agriculturists will have to pay their landlords just as before. They will have to pay the *mahajans* in the same fashion. Now the question is whether the agriculturists are in a position to meet their demands when their earning capacity has diminished by far less than their paying capacity. The Government must come forward and help the agriculturists and save them from ruination. As the agriculturists cannot get better price for their jute nowadays they have taken to sugarcane cultivation on a large scale. But, what is the position? The sugarcane molasses have been sold at a very low price. We import a very large quantity of sugar from outside. If sugar factories

could be established at suitable centres certainly the agriculturists could get better returns out of their sugarcane. I hope the Hon'ble Minister in charge of Agriculture and Industries Department will very kindly give his best thought in the matter. I am glad to find that some provisions have been made for the partial introduction of the Primary Education Act as well as for certain measures under the Industries Department. But my earnest request to the Hon'ble Ministers in charge of the departments concerned is that they should very kindly see that real work is being done and money may not only be utilised in paying the establishment charges.

The recommendations of the report of the Bengal Retrenchment Committee of 1932 have been given partial effect to. But I think it is high time when Government should follow more closely the recommendations of the Retrenchment Committee and should find money for the nation-building departments which are practically starving. I find that there is an excess of stock in quinine. The Government might follow their usual process of distribution but I suggest that a portion of the stock might be given to the Central Co-operative Banks in malarial areas wherefrom distribution could be made to the really needy persons. Before I resume my seat I draw the attention of the Hon'ble Member in charge of the Revenue Department to look into the heavy fall of the Government revenue under the head "Stamp and Registration" and the falls are largely due to the promulgation of the Bengal Tenancy Act of 1928. In the interest of the Government as well as of the tenant I request the Hon'ble Member in charge of the Revenue Department to amend the Bengal Tenancy Act as suggested by Maulvi Tamizuddin Khan the other day by repealing (*i*) the provisions of the landholders' transfer fee, (*ii*) provisions regarding pre-emption, and (*iii*) provisions regarding enhancement of rent. This will not only satisfy the tenants but will restore the normal business of the registry office and thereby bring large revenue for Government which they might utilise for the benefits of the poorer people.

Lastly, I join with the optimism of the Hon'ble Finance Member that better things will follow with the introduction of the new reforms. There will be financial adjustment in better ways and the wrongs done to this province by the Meston Settlement will be undone.

6-30 p.m.

Adjournment.

Mr. PRESIDENT: As there are no more speakers I think I had better adjourn the Council till 3 p.m. to-morrow.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

The COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 1st March, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir Manmatha Nath Ray Chaudhuri, KT., of Santosh) in the Chair, the three Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 92 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Police force in the Bankura district.

***24. Babu SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state the present number of police force, both officers and constables, in the Bankura district?

(*b*) In what year was this allotment of police force for the district made?

(*c*) Is the Hon'ble Member satisfied that the number is adequate for the proper policing of the district at present?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government have been contemplating any increase in the police force of the district?

(*e*) Is the Hon'ble Member aware that crime has perceptibly increased of late in the district?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) The present strength is as follows: 1 superintendent of police, 5 inspectors, 33 sub-inspectors, 35 assistant sub-inspectors, 21 head constables, and 448 constables.

(*b*) The sanctioned strength of the force of which the actual strength is slightly short was fixed in 1924.

(*c*) The number is not insufficient for normal requirements.

(*d*) No proposal for increasing the strength of the police in this district is under consideration at present.

(*c*) A statement showing the crime figures of the district for the last 3 years is enclosed. There has been an increase in some classes of crimes but not in all.

Statement referred to in the reply to starred question No. 24 (c).

Year.	Murder.	Dacoity and preparation and assembly for dacoity.	Robbery.	Theft.	Burglary		Riot.
					with theft.	without theft.	
1930	11	22	18	270	208	25	18
1931	14	22	12	237	211	22	18
1932	19	40	16	258	225	29	11

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state what steps he is taking to prevent the increase in the number of murders and dacoities?

The Hon'ble Mr. W. D. R. PRENTICE: We have got the dacoity patrols in some districts—I do not know whether there is any in Bankura—as for murder, it is very difficult to take steps as it depends upon what the reasons are for murder.

Babu SATYA KINKAR SAHANA: My question was what steps have the Government taken to prevent the increase in the crimes.

The Hon'ble Mr. W. D. R. PRENTICE: I cannot promise to take any steps to prevent murder because the reason is not easily recognised beforehand. As regards dacoity, we are doing what we can with the force at our disposal.

Inspection of licensed motor-cars and buses in mufassal.

*25. **Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the motor-cars and buses plying for hire in the *mufassal* had been examined last year prior to the granting of the license?

(*b*) Is the Hon'ble Member aware that almost all the vehicles plying on hire have defective brakes?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Annual renewal of registration of motor vehicles plying for hire is not granted, unless the vehicles have been inspected and certified as fit for use.

(*b*) Government have no such information.

Rent suits in certain districts.

*26. Maulvi ABDUL HAKIM: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing separately in the districts of Mymensingh, Bakarganj and Rajshahi for the calendar years 1930 and 1931—

(*i*) the total number of suits for enhancement of rents including the number of rent suits with a prayer for enhancement instituted by landlords in each court;

(*ii*) the maximum rate of enhancement per rupee of rent claimed by landlords in each court;

(*iii*) the maximum rate of enhancement per rupee of rent decreed in each court; and

(*iv*) the total number of suits for abatement of rents (if any) instituted in each court?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): The information asked for is not available from the returns of the courts. The information which is available is given in the attached statement.

Statement referred to in the reply to starred question No. 26.

District.	1930		1931	
	Total number of rent suits instituted.	Enhancement or abatement of rent instituted.	Total number of rent suits instituted.	Enhancement or abatement of rent instituted.
Mymensingh ..	22,626	1,683	24,804	1,604
Bakarganj ..	28,149	2,493	25,962	1,962
Rajshahi ..	12,908	733	12,203	382

Maulvi ABDUL HAKIM: Will the Hon'ble Member be pleased to state if any of these rent suits shown here include a prayer for enhancement?

The Hon'ble Mr. W. D. R. PRENTICE: I know the hon'ble member is interested in these figures and therefore before I put down the answers to these questions I examined the forms of registers and returns to see whether it was possible to give him the information that is required. The information which is given in answer to this question is all that can be collected from the registers. If details are required about the demands in different cases, we cannot give them without going through the records of the cases which appear in the registers and it is impossible to undertake that work.

Maulvi ABDUL HAKIM: I wanted to know the number of rent abatement suits, if any, separately, but the heading of the answer is not clear.

The Hon'ble Mr. W. D. R. PRENTICE: The heading in the columns of the statement is the heading that appears in the returns. Enhancement or abatement cases are both shown in the same column, and unless we examine the records we cannot know what the cases are for.

Maulvi ABDUL HAKIM: May I know whether you have got any number of suits for abatement of rent separately from the districts?

The Hon'ble Mr. W. D. R. PRENTICE: I am trying to explain to the hon'ble member that it is impossible to give this information because the suits for abatement and enhancement are shown in the same column and we can only divide up the cases by examining the records.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state the reason for this abnormal fall in the number of suits?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Discussion of Budget.

The discussion of the Budget was resumed.

Mr. W. H. THOMPSON: Sir, may I rise on a point of personal explanation? I used an unkind word about the Government of India yesterday. The budget speech was delivered in Delhi at the same time that I was speaking here and what was said in the budget

speech proves that I was not wholly justified in what I said in criticism of the Government of India, which was to the effect that while forcing us to give back 5 per cent. of the salary cut to our servants the Government of India was taking for itself the surcharge on income-tax collected from them. May I read just one sentence from the budget speech? "If the financial results for the year prove that it is possible, we intend in due course to put before the legislature proposals that, in the case of Provincial Governments that can satisfy us that they are in unavoidable deficit, special grants shall be made to them representing the amount collected during 1933-34 from the emergency income-tax increases now to be levied for the first time on the salaries of such of their officials as are still subjected to a cut in pay."

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I had not the least idea or intention to speak or to take part in the debate, but the remarks made by my colleagues Mr. Thompson and Maulvi Tamizuddin Khan have forced me to take part in it. Mr. Thompson said that there are, according to the census, 12,50,000 people living on rent receipts and subject to no taxation for 140 years and he inquired whether anybody could conceive of similar immunity and so on and so forth. I am sorry that Mr. Thompson has altogether forgotten or ignored that there is such a tax as the road and public works cesses. The road cess was imposed in the year 1871 and the public works cess in 1877. Its incidence is not an insignificant one, but comes to about a crore of rupees a year whereas the revenue of Government is about three crores. So it means that one-fourth of the revenue has been derived from these cesses since 1880. It is no joke—that one-third of the revenue is being imposed on us. You may call it cess or by whatever name you may like, but it is no doubt an imposition in addition to the payment of revenue and in contravention of the terms of the Permanent Settlement. Sir, moreover, I may point out that not only the cess tax has been imposed on the *zamindars*, but they have also been hooked to pay another tax by way of the educational cess tax. That tax also comes to about a crore, so in the near future the additional tax will be two crores against three crores of land revenue. Mr. Thompson complained that the income-tax has been multiplied during the last 20 years and a surcharge of 25 per cent. was put upon income-tax, but in our case taxes have already been imposed to the extent of 33 per cent. and another 33 per cent. will be added in the near future. Will he not be satisfied with this enormous additional tax? I am sorry that Mr. Thompson, who was an able officer of Government and who was connected with Land Revenue Department, has made such remarks and suggested an additional land revenue tax. Besides this, I can show that the income or profit of the landlords is not high as is commonly believed. There is a general notion that the landlords are

making much profit on account of the Permanent Settlement, but I can prove from facts and figures that that is not the case. That is a general notion, although a misconception, and some people are guided by this erroneous idea. Sir, from the Land Revenue Administration Report of 1930-31 it appears that the total number of estates paying revenue is 101,160. Of these permanent settled estates are 93,778, temporarily settled estates 4,452, and Government-managed estates 2,930. With regard to the temporarily settled estates, I must say that it is known to the House that settlements are made periodically and the revenue has been increased according to the ratio of the income. As a matter of fact, in Bengal, the ratio of the revenue of the temporarily settled estates is on an average of 40 per cent. which is worse than that of the United Provinces and the other provinces where the revenue is assessed at 35 per cent. of the total rental of the estate. That means the rate of the revenue of the temporarily settled estates is 10 per cent. more than the other provinces. Thus, so far as temporarily settled estates are concerned, the assessment does not come under review. Now, with regard to the Government-managed estates, I mean *khas mahal and raiyatwari* estates, there also Government increased the rent periodically. So, I think, Mr. Thompson and Maulvi Tamizuddin Khan did not like to touch those estates. My friends who are sitting in front of you are anxious for the tax of the permanently settled estates. Now, the revenue of the permanently settled estates is Rs. 2,15,61,000 and that of the temporarily settled estates and Government estates is Rs. 86,15,000 and thus the total comes to Rs. 3,01,76,000. Thus the proportion of the revenue of the temporarily settled estates comes to 28 per cent. of the whole revenue. Now, Sir, the total cess demand of the whole province is Rs. 89,28,974, say about Rs. 89,29,000, and the cess from rent-free holders, etc., from whom the landlords do not receive any income is Rs. 3,50,000, i.e., about 4 per cent. of the total cess. This cess has practically been paid by landlords from their own pockets as they cannot realise—it is a losing concern to them. Now, Sir, it has been pointed out by previous speakers, on several occasions, that the assessment of cess is done in a very arbitrary way. The persons who are treated as occupancy-holders have been treated by the cess-revaluation officer as tenure-holders. So, instead of taking the rental as an assessment of cess, they have been assessed at a very high rate on the produce of the land—sometimes 40 or 50 times of the rent they pay. So, we can safely deduct 10 per cent. of the whole assessment which has been done in an arbitrary way as mentioned before. Now the gross rental is Rs. 15,15,59,000. Out of this, we may deduct 4 per cent. for temporarily settled estates, 18 per cent. on account of those arbitrarily assessed, and 28 per cent. for Government estates; so it comes to about 42 per cent., which we can safely deduct from estates that are not permanent, leaving 58

per cent. to the *zamindars* for permanently settled estates. Thus in the permanently settled estates the gross rental would be Rs. 8,79,04,000—out of this sum deduct 10 per cent. as collection charges, so it comes to about Rs. 7,92,13,000. Now, if we deduct the revenue which comes to about Rs. 2,16,61,000—it leaves about Rs. 5,76,52,000. Thus the average gross income is practically about one-third of the gross rental as shown in the Annual Report. I can show clearly that in West Bengal and in many parts of North Bengal and in the Chittagong Division the landlord's share of profit is very much less than what it is in the United Provinces, Madras and some other provinces. With a comparatively small share of profits the landlords of Bengal discharge the duties of collection and transmission of revenue and cesses. In the permanently settled areas of Bengal the *raiyats* have been given statutory protection and the possibility of increasing the rent of *raiyats* is strictly limited, whereas in temporarily settled *zamindary* areas or in *raiyatwari* areas the limit of enhancement is much higher. The landlords of Bengal are responsible for the collection and payment of Government revenue and cesses. By using the agency of the landlords, the Government collect revenue and cesses at a very low expenditure. In *raiyatwari* tracts, like say Madras, it costs the Government nearly two crores of rupees in establishment and collection charges, whereas in permanently settled areas in Bengal the collection is done without extra staff through Collectors and Deputy Collectors whose staff and establishment are part of general administration. An examination will show that otherwise the total expenditure to the Government of Bengal for collection of land revenue and cesses will perhaps exceed 25 or 30 crores of rupees annually; but I have allowed only 10 per cent. I am sorry that Mr. Thompson's remark that there has been no assessment for 140 years falls to the ground—I am sure I have been able to convince the House that he has made a great blunder and made a remark which is not correct. Sir, there have been two assessments and there will soon be another assessment in the shape of educational tax and the income derived from the cess or tax is not an insignificant amount.

Now, Sir, with regard to the salary of the President, I think it should not be left to the option of the Council. We must not lower the salary to affect the prestige of our able President.

With regard to the 5 per cent. cut, I fully endorse what the Hon'ble Finance Member has said.

I congratulate the Hon'ble Finance Member for enlightening the House with the hope that Bengal will get her rightful share of tax from the income of jute, and I thank the Hon'ble Finance Member, the ex-Finance Member, and the members who have taken part in the Round Table Conference.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Usually, Sir, the general discussion on the budget provokes very little interest and I would rather I had not taken part in this debate, but the circumstances of our province at the present moment are such and the budget which has been presented to the House by the Finance Member is of such a dismal character that I feel that unless I voice the feeling of disappointment and dissatisfaction of the public I shall be failing in my duty. Sir, nobody, I believe, expected that it would be possible for the Finance Member to present a surplus budget or even a balanced budget, but there are many of us who did expect that a real effort would be made to try and reduce the deficit as much as possible and to give effect to the proposals of the Retrenchment Committee which was appointed by Government itself. The President of the Retrenchment Committee was a senior member of the Indian Civil Service with vast experience of administration in this province. The other members of the committee were men about whose moderation and sagacity there can be hardly any question. As a matter of fact most of us are of opinion that their recommendations err on the side of too much caution. Yet, Sir, when we come to examine what effect Government has given to their proposals we cannot but feel sorely disappointed. The Retrenchment Committee recommended a saving of about Rs. 1,81 lakhs. What we find in the budget is that the Finance Member has been able only to give us about Rs. 3 lakhs immediate and Rs. 10 lakhs ultimate. The Government, I may say, after a colossal labour have not been able to produce even the proverbial mouse but a black beetle. We are surprised at the mentality of Government as a whole in this matter. Officials, whether Europeans or Indians, are very conservative and dislike change. They are very suspicious of any cuts or any savings which will have the effect of reducing either the number or the pay of any of the services. Their angle of vision is blurred in some respects by suspicion, and any criticisms or demands that are made by the public are mostly looked upon by them with suspicion, and they think that they will probably interfere with the efficiency of the administrative machinery. I do not blame them, because they honestly believe that any cuts which they do not like will probably affect the efficiency of the administration. I do not blame the Finance Member, because after all his hands are powerless, unless all the members in charge of administrative departments of Government whole-heartedly co-operate with him. This, the general feeling is, they have not done. Our main complaint is against the Indian Members of the Cabinet. They are supermen, otherwise they would not be in the Cabinet. They are or should be in touch with the public opinion; and although they have not been elected by us we consider them as our representatives in the Government. It is their duty, therefore, always to press for the demands which the public make, always put before Government public opinion on all matters,

It is their duty to help and not to hinder, and this I am afraid they have not done. I say this, because looking at the comparative statement which the Member-in-charge has given us we find that in some of the transferred departments the cut has been the least. For instance, in the Public Works Department we find that the recommendations of the Retrenchment Committee are for a cut of about Rs. 24 lakhs; but it appears from his statement that nothing has been given effect to in the budget, although I was told by the Minister himself that he was going to reduce the expenditure by about Rs. 30,000 a month by the amalgamation of some of the divisions. Even that I do not consider enough. Similarly, in the Department of Irrigation we find that the expenditure has gone up and the Retrenchment Committee's recommendations have been treated with contempt. Are these Members of Government the only people in Bengal who are responsible for the welfare of the people? Are we here all irresponsible people who have got any particular axe to grind by pressing this retrenchment and these savings in the expenditure of Government? It seems that by transference from one side of the House to the other the whole angle of vision of members changed. There is no use thinking of palaces when we have to live in cottages, no use contemplating the irrigation schemes of the Nile or cast our eyes on the Asuan dams when we have not got the means to have even a small irrigation scheme. In these matters the people for whose benefit these expensive schemes are launched ought to be consulted freely and their wish ought to be final. The recommendations of the Retrenchment Committee not only contain savings in expenditure by direct cuts, but also by reorganisation of services and other matters about which we expected some explanation. As has been remarked by Mr. S. M. Bose, we expected that the services would be reorganised in such a way that it would lead to permanent economy without at the same time reducing the efficiency of the administration. It is very difficult in the time allotted to me, to discuss this matter at length and I am looking forward to a future opportunity for doing so. To me it appears that the Provincial Autonomy which we are going to have is inconsistent with the all-India services in the province. I do not mean that we do not want European members or recruitment from England. We do need them and shall need them for some time to come. What I say is that as far as the Indian personnel is concerned the recruitment must be entirely in Bengal and from Bengalis. If you want Europeans or Englishmen—or if you want a Scotchman for tackling your finances, we are quite willing to pay them and pay them handsomely. As a matter of fact if you want any expert in a scientific department, if necessary, to train us in any particular line, we may go anywhere outside India and pay him handsomely. But as regards the ordinary services, they must be recruited in Bengal. For this purpose to recruit officers from, say, Allahabad, or some other place outside the

province is a thing to which I strongly object. I do not mind recruitment from amongst Englishmen to serve here and to raise the standard of efficiency in a particular branch, but I certainly very strongly protest that Madrasis, Punjabis and other people should come to Bengal and oust the children of the soil from all-important posts. While dwelling on the subject I should like to refer to the question of the policy of Government about pension. Here also I am discussing a subject which requires more time than at my disposal; but I feel that the whole policy of Government with regard to pensions ought to be reconsidered. Pension is deferred pay and a contribution from an officer's pay is made every month towards his pension, but oftentimes it happens that an officer dies before he reaches the superannuation age; and although all his life he has been contributing towards his pension, his family—his children and widow—do not get any help or maintenance. The case is still worse in the case of officers lent to foreign services. In this case Government continually receives contribution from that particular department which ultimately is saved when the officer dies prematurely. This point requires, I think, careful consideration.

Yesterday Mr. Thompson referred to some subjects about most of which I entirely agree with him. The Raja Bahadur of Nashipur to-day came prepared with a mass of statistics which are not only not helpful but entirely misleading. He tries to make out that the *zamindars* of Bengal do not make any profit from their *zamindaries*. If that is so how are they able to live in comfort and luxury away from their native homes? (A VOICE: question.)

What about their Rolls Royce which they have been using at the expense of their tenants? According to his own showing the total rental of the *zamindars* is about 16 crores of rupees of which only a quarter is Government revenue. The rest of it is the net earning of the *zamindars* for which they do not pay any special tax. As has been stated by Maulvi Tamizuddin the tax is equally paid both by landlords and tenants. It is no good saying then that "we pay tax beyond what was assessed in the Permanent Settlement." In the Permanent Settlement Regulation a condition was laid down that they would be liable for all taxes that may have to be imposed in the future.

Sir, we have heard of the various schemes which the Ministers and Members of Government have initiated for the welfare of the people. But we have still to hear what they have done about the most important, most vital, matter; I mean about the agricultural indebtedness of the country. Have they taken any steps whatsoever to remove the huge burden of indebtedness which is crushing the tenants at the present moment? Have they sympathetically treated

the resolution moved by Maulvi Tamizuddin the other day about the relief of the tenants from some of the harassing *zamindars* under the Tenancy Act——

(Here the member exceeded the time-limit and resumed his seat.)

Babu JATINDRA NATH BASU: It is generally recognised that in preparing his budget the Hon'ble Finance Minister has had to face great difficulties. There was the financial stringency through which we have been passing for the last three years or so, and he has also had to face the uncertainty which always accompanies a state of transition. The budget therefore shows that the Finance Minister has tried more to beat time than to expound any new policy. In fact, for close over 13 years there has been a want of policy, a general policy, on the part of Government co-ordinated amongst the several departments of the administration. Each department has gone by itself trying to do what it can for itself and there has been no general policy by which the several departments supplemented the work of each other. We all trust that under the new constitution such a state of things will cease to happen, so that the progress and advancement of the people, the development of the resources of the country and general welfare will loom much larger in the programme of Government than they have in the past.

3-31 p.m.

There are other factors which loom very prominent in the eye of the ordinary man in this country and those are his health, his economic condition and a certain standard of comfort which he desires to possess. Now, as regards the economic position, the people of the country have known, the Government have known, and all who have had to do with this country either commercially or otherwise have known, that our principal commodities have gradually been going down in value. It is a serious problem. Whenever a problem like that has come before other countries, they have started thinking about trying to introduce new economic resources or to make the best of the resources that they possess. With our Government the policy has been more or less a policy of drift. If jute cannot sell at paying prices, if paddy cannot sell at paying prices, if the price of oil seeds has gone down because Brazil and Argentina have come into the field, it was the duty of Government at the first sign of danger to concern itself as to what is going to happen to the people of this country. But the Government have been concerning itself over other matters and not matters which are vital to the every-day life and the future of our people.

Sir, as regards conditions of health, we have been met with the remark that there are no funds. The ordinary man in the street feels something like this. There is the civil disobedience movement and

other subversive movements and some people are dying. But there are thousands dying every day of preventable diseases all round them, and they are suffering, but no one spends anything like the sum of 55 lakhs of rupees that is spent on other special concerns of Government. That is the kind of feeling that is widespread in this country. Now, Sir, as regards comfort, there are not even words of comfort meted out to the people as to what is going to happen to them. Sir, in other countries they have started committees to consider seriously the economic position. Bengal and India are no longer isolated elements in the economic life of the world; they are closely connected with other countries and currents which flow elsewhere influence our economic life. Sir, it is therefore necessary that Government should immediately take steps to consider how to best organise the resources that we have. If there are commodities or products which are going out, or will soon go out, then we must think immediately as to how to find a substitute for them, and we must train the people to meet the situation. As I have said just now we are influenced by world currents but it is unfortunate that our rural population, though they are affected by such currents, do not know how to counter them. It is the duty of Government to teach them to face those currents, but they have not done so up to the present.

There is another factor which comes up in connection with the recommendations of the Retrenchment Committee. We, as a province, have been living from hand to mouth for the last 13 years. Probably, our condition has been worse, and we have been balancing our budget by borrowing from the Government of India. Sir, some of the other provinces have succeeded in borrowing in the open market for their development and for their needs. We have not succeeded, and why? Because we have not taken serious steps to balance our budget. If we had balanced our budget and had a margin left over, then we could have established the credit of Bengal. But Government have failed to establish our credit. We cannot go now before the open market and ask for money which other Governments can. It may be that such a step would have meant some sacrifice of efficiency, some temporary giving up of elements of progress, but by that temporary suffering we could have succeeded in obtaining financial resources which would have placed us in a much better position than we are now. We have been hearing for the last 13 or 14 years of big schemes for agricultural development, and big schemes for financing the agriculturist and eradicating malaria, and so forth, by loans of 4 crores or 2 crores of rupees at a time, but these loans require that we must have a surplus out of which we can pay interest and have a sinking fund. But that is a step towards which our Government have so far not shown any active administrative aid by which the surplus can be established.

The financial tale has been one of deficits year after year. Every part of the budget shows that a state almost of panic prevails amongst

those in whose hands for the time being the administration of the country is vested. Sir, it is necessary for the life and progress of any country that subversive movements should be put down, but the putting down of subversive movements, as has been authoritatively pointed out, is not the only duty of Government. Subversive movements are merely certain symptoms of a disease which is deep-seated. (A VOICE: Question.)

It does not appear that the Government has been doing anything to grapple with the disease. They are spending money for treating the symptoms of the disease, but the disease is left alone to grow and spread. Sir, in grappling with the disease as well as its symptoms there does not appear any indication that the Government has been trying to avail themselves of the help which, I am quite sure, will always be forthcoming from the general mass of the population who want a peaceful life. It may be that the use of mercenary machinery is necessary, but it is not all that can be used, or always successfully used, for the purpose of meeting situations like those through which we are passing. There does not appear either in the administration reports of the Government or in the budget any indication that serious attempts have been made to enlist the active help of the people who are peacefully inclined in grappling with the difficulties that now exist. Sir, I only trust that even during this period of transition when people do not want to alter the state of things, the Government should carefully consider during this short interval they can lay the foundations of a sound and peaceful Government for the future, not only financially, but also in other respects. In other countries, difficulties had arisen where the spirit of conciliation and the spirit of good-will had not prevailed at the inauguration of a new system. Let not Government make the same mistake here of not doing all that it can to establish good-will amongst all, friends or foes, before the new system is brought into being. I beg to conclude with these remarks.

Mr. H. S. SUHRAWARDY: I congratulate Bengal on being able to present a budget showing a deficit of such colossal magnitude. I would have congratulated it still more had it become absolutely and irremediably bankrupt, so as to give a sharp lesson to the people at Simla through whose aid the Government of India as well as the other provinces are sucking the life-blood of Bengal, and are living in luxury while we are pinched, starved, discontented and scatter amongst ourselves the seeds of revolution and terrorism. It makes our blood boil to think of the great injustice which has been done to us and how we have been systematically robbed, and we marvel at the equable manner in which the Government thinks it its duty to carry on. After all, however, its patience, fortitude and forbearance are about to bear

niggardly fruit. We are going to be doled out with just sufficient to meet our expenses without having to resort to borrowing money from those who have robbed us of our funds.

The silver lining is there, but, I am afraid, it is very tarnished silver and unless the Federal Finance Committee and other similar bodies who appear to have the allocation of the monies of India in their hands awaken to the fact that Bengal needs, not merely a balancing of the budget on its present scale, but also a surplus so that its primary needs may be met, we shall again be faced with deficits owing to the normal increase in expenditure and owing, possibly, to more monies having to be spent to allay the discontent consequent on the inability of the Government to provide for nothing except its bare existence.

Indeed, Sir, more even than the die-hards of the Churchillian group can deny us the right of autonomous government, I am prepared to throw back the gift at the teeth of those who offer it to us, if sufficient resources are not placed at our disposal to make self-government worth while.

3-52 p.m.

Under such circumstances, we felt it necessary to press for retrenchment but it seems, as circumstances have subsequently proved, that it was more in the nature of preparation for the evil day of general election which has been fortunately staved off, than owing to any genuine desire or conviction on our part as to the possibility of effecting any but minor retrenchments in our expenditure.

Government appointed what it considered an expert Committee of men with experience, ability and, I think, a somewhat playful and gambolling spirit. Moreover, I think, in the course of their work the evil spirit of some murderous surgeon afflicted them; for they have not only been content to cut off our nose and ears, our hands and our limbs; to knock out our teeth and gouge out our eyes, but even to extinguish the little spark of life which still beats in us, that is, if they could have their own way, and if their recommendations had been accepted.

I think, Sir, that this Retrenchment Committee, to which we are thankful on account of the unselfish labour which has been put in by certain estimable gentlemen, have done us a great disservice and a signal service. They have done us a great disservice because by producing the report it may lead the ignorant and the captious to believe that there is room for retrenchment and that we are being extravagant in our expenditure, that, indeed, we are not deserving of our jute export duty, or our income-tax, as without their aid we ought to be able to balance our budget when the extra expenditure on the Police is pruned and cut down; it has done us a signal service because it has

given an opportunity to us to consider the possible avenues of reduction and what would happen to Bengal should this reduction be ever carried into effect, and we still remember the debate that was heard in this Council on the report of the Retrenchment Committee when, one by one, members got up from their seats and condemned one or other of the heads of retrenchment which affected the department which each considered to be most vital. If those criticisms were gathered together there is not one department that will be found without its champion. It has also done us a great service because it has given a handle to those who want to criticise and attack the Government on every occasion, a very convenient handle. I had thought that the last debate had knocked the bottom out of such frivolous opposition but I find that the Government still pays this Retrenchment Committee considerable respect and attention. Whenever it refers to it, it does so with bated and anxious breath, as if it is on its trial when it cannot see its way to accept the extravagant suggestions, and, indeed, Government has circulated papers to show how much of the Committee's recommendations it has been able to accept and how many it finds unable, at the present stage, to agree with. If I have a grievance, Sir, it is not a grievance with the Government of Bengal, but with the Government of India, which has partially restored the 10 per cent. cut when there was no need to do so at all, and Government servants and pensioners, who are the only ones who have money at present, had adjusted their expenditure to their income.

Let me at this stage congratulate the Hon'ble Ministers on their achievements last year, and it is possible that if this year they had to go to the polls, they would have come back on the crest of a wave. They have, however, been fortunate enough in securing one further year of life, but I must warn them that they are doing so at one of the most critical periods in our economic history; and hence, in order to justify their retention, they must make further and greater efforts in the departments which they have been called upon to preside over.

In my humble opinion, far greater than any reform or improvement or Bill that has ever been introduced into this Council—far more important than any administrative measure passed within living memory for the welfare of the province—is the forthcoming Waterways Trust Bill, and if the Hon'ble Member can place before the House something which can be worked and which will meet the wishes of the people, he will have done such a signal service to Bengal that he will be remembered for ever in its annals as its greatest benefactor within living memory. For, with its dead and dying rivers, the life-blood of Bengal has been drained and, indeed, it is not too much to say that Government has failed in its primary function of keeping the people alive. The Waterways Bill, we hope, will resuscitate our dying races and once more our life will pulsate in full

vigour and strength as in the ample days when governments lived not only to preserve law and order, not only to administer and to govern but also to increase the happiness, the prosperity, and the welfare of the people. I am indeed surprised at the criticism of Khan Bahadur Abdul Momin, and I can only put it down to his long sojourn in Eastern Bengal with its broad and palpitating waterways and to his forgetfulness of the needs of his own and neighbouring districts when he says that Bengal does not need irrigation or shall we put it down to the great urge in him of criticism of the Indian members. This attitude is merely in conformity with the spirit of the times—to support the non-Indian, and to tear down men of our own persuasion.

And now, Sir, let us turn to the difficulties that face this Government consequent upon the falling prices of jute and paddy and the want of ready money with the villagers. I cannot impress upon Government sufficiently strongly the misery through which the people are passing, and I hope Government will not discard as impracticable the various remedies which people are putting forward for its urgent acceptance merely because it finds it difficult to put them into practice. I will deal with this more fully when we discuss the budget of the Hon'ble Revenue Member, but, we submit, that something must be done in order to bring some relief to the *raiyat* and remove from before him the gaunt spectre of becoming a wretched, starving member of a landless proletariat.

I must regretfully note that not sufficient attention has been paid to our suggestions. I have no reason to believe that Government do not realise the acuteness of the situation but we would have been satisfied, heartened, somewhat encouraged, if Government had been able to put forward some practical measures for the relief of our distress. Land mortgage banks are being suggested. I hope they will be brought into force as early as possible—but when we remember that the price of the land has fallen so low that in most instances the debt is greater than the price of the land, Government must be prepared to legislate that all the liabilities of the *raiyat* will be wiped off if he pays down the money that Government is prepared to advance on the mortgage of his holdings. While Government is contemplating on this measure, we certainly suggest that at the earliest opportunity, it should order, if it is unable to enact, that cultivators' holdings must not be sold in execution of money decrees. This will be in conformity with the Punjab laws as well as to the laws relating to aboriginal tribes in Bengal. Only to-day I have heard of a case in Noakhali of a holding worth Rs. 2,500 being sold for arrears of rent amounting to Rs. 100.

I will not deal with the other suggestions at this stage, but I must press on Government two other facts. First, that there is too much suspicion on its part, too much distrust of conferences and meetings of agriculturists, when they gather to ventilate their distress and to call

the attention of Government to their hapless situation. I hope that provided these meetings are held under the auspices of responsible bodies and of genuine committees who are anxious for the welfare of the peasants as well for the general welfare of the province, and who realise that the proper solution can only be arrived at by co-ordinating the interests of the tenants, the landlords and *mahajans*, Government will not place any obstacles in their way. I feel perfectly certain that Government cannot discountenance genuine agricultural associations not tainted by subversive elements. Secondly, I think that Government ought to encourage amicable settlement between tenants and landlords, debtors and *mahajans*. I feel perfectly certain that the *mahajans* would be happy to adjust their claims at this stage and to receive even a little of their dues. For this, I suggested, in my recent speech as President of the All-Bengal Raiyat and Khatak Conference, held at Rajshahi, that joint associations of agriculturists and debtors might be established in order to bring about a settlement. In my humble submission, Government can encourage the formation of such bodies for the *mahajan* must realise that it is far better to keep his debtor on the land, possibly, as his future victim than drive him off the land altogether. In Canada loan Companies are preferring to take huge losses than foreclose and rob the agriculturist of his land.

Lastly, Sir, before I sit down, allow me to offer my congratulations to the Hon'ble Finance Member not so much for the present deficit but for having approached our problems so sympathetically and having been able during his tenure of office to offer us some hope for the future. May he continue to assist us in our financial problems for some considerable time to come.

Dr. NARESH CHANDRA SEN GUPTA: In spite of the evident signs in his speech of a realisation of the realities of the economic situation in Bengal, in spite of the concessions he has made, thus making a wide departure from the practice of the past, one must admit that the speech of the Hon'ble Finance Member in introducing his budget nevertheless displays a good deal of the old spirit of playing with the finances of the province.

To start with, I am afraid he has not given us an exactly true picture of the financial position of the Government of Bengal. Last year I commented that the revenues of Bengal had been unduly inflated in order to justify an expenditure which the province could not bear.

It appears that I was a truer prophet in this respect than the late Finance Member, and the Hon'ble Mr. Woodhead now dolefully admits that the income has been considerably less than what it was anticipated to be. The shortage is according to him Rs. 28,41,000 and but for the windfall of Rs. 12 lakhs under "Stamps" and Rs. 8,50,000, the unexpected excess from the motor vehicles tax, the shortage would have

been Rs. 48,91,000 which is the amount by which Mr. Marr's estimate of revenue was too optimistic last year. If these unexpected amounts had not been received and if the Government had worked up to the full figure of the budget, instead of a saving upon our expenditure the net deficit upon the budget framed last year would have been greater by about 84 lakhs of rupees.

4-7 p.m.

That deficit on the revised estimate is shown to be Rs. 1,37,000. That again does not disclose the whole truth. The deficit has been kept at that figure by taking credit for trust funds which the Government has no right to spend except for specified purposes. Thus the Government received as subvention from the Central Road Development Fund Rs. 22,53,000 out of which only Rs. 10,39,000 has been spent leaving a balance of Rs. 12,14,000 of trust money. The Government received Rs. 16 lakhs from the motor vehicles tax in the current year, but it has spent only Rs. 4,50,000—the contribution to the Calcutta Corporation—and so far as I can see, not a penny has been given to the local bodies. This again is a fund every penny of which ought to be spent for the purpose for which it was raised. The balance of Rs. 11,50,000 under this head is not thus really available to reduce the deficit on ordinary revenue and expenditure. Then again, Rs. 5,50,000 was received from the Government of India as Bengal's share of the salt tax which was definitely understood to have been granted for developing the salt industry in the province. This, too, the Government has no right to merge in the general revenue account. If you exclude these items from the general revenue available for general expenditure, the real deficit on the current expenses of the last year would be found to be not Rs. 1,37,49,000 as stated by the Hon'ble Mr. Woodhead, but Rs. 29,14,000 more, that is Rs. 1,66,63,000, and that in spite of the saving effected by the Government of Rs. 35 lakhs in the expenditure budgeted for, and in spite of the windfall of Rs. 12 lakhs in stamps. Excluding windfalls and savings and the balance of trust funds, the net deficit on last year's budget would then have been about 2 crores and 13 lakhs of rupees, which is nearer what I anticipated than Mr. Marr's figures.

The Government this year shows some slight indication of being chastened by experience and does not build upon unfounded expectations of increase of revenue to the same extent as in previous years. But still they have not been able to shake off the optimism of a libertine. They have brought themselves to expect nothing better than the figures of the revised estimates generally speaking, but they have not yet learnt to expect that even that height may not be reached next year. In spite of a steady decrease for the past few years in Excise they

would believe that the rock bottom has been reached. In Forests in 1930-31 against a budget of Rs. 28·61 lakhs they got only Rs. 23:12, in 1931-32 against a budget of Rs. 25·29 they got only Rs. 16·94. Last year they would still build on getting at least Rs. 1 lakh more than the revised estimates, and they got about a lakh and 50 thousand less. Nevertheless Mr. Woodhead expects to get Rs. 15·50 lakhs—the figure of the revised estimate. Judging from the past, this anticipation is going to be belied. In Registration, in 1930-31 the budget was Rs. 36 lakhs and actuals only Rs. 23 lakhs. In 1931-32 the budget was Rs. 28 lakhs, they got only Rs. 19·33 lakhs. Again they budgeted last year for Rs. 20¼ lakhs, and now expect to get Rs. 18½ lakhs only. But nothing daunted, they insist this year again to budget for an increase of Rs. 50,000 over the revised estimates, though, by all appearances the figure is likely to be less than this year's revised estimate. So on and so forth. The optimism of the Government has been chastened to a certain extent, but it has not been cured. This year also the Government in the heart of their hearts look forward to a much larger deficit than they have budgeted for. Sir, the Hon'ble Finance Member has drawn a picture of the economic condition of the province upon which it would be hard to improve. He has drawn a picture of the desperate condition of the people with their annual income from jute and rice alone reduced by at least Rs. 122 crores, *i.e.*, to a figure little more than half the annual income of 1929. Unlike his predecessor the Hon'ble Member is of opinion that so long as the wealth of the people does not increase there is no room for further taxation. So far the Hon'ble Member shows a much truer realisation of actualities than his predecessor. Then he goes through the figures of the budget and dangles before us the cheerful prospect of facing another deficit of a trifle under Rs. 2 crores. This further overdraft means a substantial increase on interest on accumulated deficits which stand at present at the high figure of over Rs. 20¼ lakhs. In other words, in future years we shall have so much less revenue at our disposal.

That is the picture, a desperate one in all conscience one would think making an urgent call for a most ruthless retrenchment on the one side and for a vigorous programme for increasing the wealth of the people on the other. Does not the Finance Member know it? He does —he makes the confession himself, but hypothetically. "If the province were faced with the continuance of existing conditions", he says, "retrenchment of the most ruthless character on both the reserved and transferred sides of the budget would be unavoidable". Is there any prospect of the contingency not arising? Not so far as the present economic depression goes. On that the Hon'ble Mr. Woodhead has no illusions. But he sees a silver lining in the dark clouds, in the recommendations of the Percy Committee and the deliberations at the Round Table Conference. Translated into the immortal language of Mr. Micawber this is his eternal prospect of something turning up.

The whole House, nay the whole country, joins the Finance Member in his hopes about the immediate future. But intoxicated by the hopes of the future, let us not forget the lessons of the past and what this policy of drift has cost us in the past. For close upon 12 years now the Government has been fed upon the hopes of the Meston Award being set aside. For all these years the Government has never dreamt of making the ruthless cuts which Mr. Woodhead now brings himself to admit as a hypothetical necessity. They never thought of it when they just managed to balance their budget nor even when they had to borrow. And what has been the result? During the whole period of the reformed administration Bengal has never attempted anything worth the name in the way of social and economic advance. She has made no attempt to render services to the people which modern civilization considers to be the indispensable duties of the State, and latterly she has gone the length of mortgaging her attenuated income by reckless borrowing which can only mean sinking deeper and deeper every day into the mire.

I want to remind the Government that there is wisdom in the Bengali adage গাছে কাঁটাল গোঁফে তেল।

Let us all hope that the Meston Award will be changed in the coming settlement. Let us even go so far as to hope that we will get more than the income of about Rs. 2 crores which the Percy Committee recommend. Let us remember, however, that as yet the only proposals which hold the field are the recommendations of the Percy Committee. These will do no more than enable us just to balance the budget if things go on as they are now. There are heaps of things which we ought to do and which we could do with the extra Rs. 2 crores or so if it is not allowed to be swallowed up by our needs as at present. So that if we are to carry on as a modern and progressive Government there must be ruthless retrenchment which Mr. Woodhead would push back to an indefinite future.

Then again, shall we get our Rs. 2 crores even under the Percy scheme?

(At this stage the Council was adjourned for 15 minutes for prayer.)

(After adjournment.)

Dr. NARESH CHANDRA SEN GUPTA: Sir, are we quite sure that we should get Rs. 2 or 3 crores out of the Percy Committee's recommendations? If economic conditions get worse or even continue as they are much longer income-tax is bound to get less and less and there is always the chance of the income-tax not being maintained at the present high rate. The jute export duty, too, is a factor which is an extremely questionable one. Export of jute is getting less and less. From 48·5 lakhs of bales in 1928-29 it has steadily declined

to the level of twenties in 1932-33. The future of jute as a steady source of wealth is hanging in the balance, and the expectations of income from this source may prove illusory. Besides a position has now arisen when the very existence of this export duty is open to most serious question. Where the buyer is the upper dog and can dictate prices, the export duty must needs fall upon the grower. That has been the position with jute all along. It is the grower and not the overseas buyer that has paid the duty. And, I contend that at a time when the jute-grower does not even recover the cost of cultivation from the commodity it is against all sense of justice and statesmanship to bleed them all the same.

Assuming that we are on wholly solid ground in hoping that the Percy Award would be accepted, there remains yet a large range of contingencies which may belie our anticipations based thereon——

(At this stage the member having reached the time-limit resumed his seat.)

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I have very few words of comment to offer, except one or two observations regarding a few points in connection with the budget which has been presented to the House, but before I do so I am sorry to refer to the flippant manner in which some friend, who is absent just now, I mean Mr. Suhrawardy, has just treated the report of the Retrenchment Committee.

Being a member of the Retrenchment Committee I will certainly refrain from making any observation, but I expected that criticisms from a man like my friend Mr. Suhrawardy should have been on more logical and substantial grounds rather than purely on rhetoric. I am not sure whether Mr. Suhrawardy has even gone through the pages of the report of the Retrenchment Committee. Had he done that, he would have surely found more wisdom in it. Any-way, the Retrenchment Committee's report is now before the public, and I leave it to the House to judge as to whether there is anything worth having in the report. The members of the Committee have served in the best interest of the country, and I personally believe that time will soon come when most of their recommendations will have to be tackled one way or the other. I must make my position absolutely clear; we think that the province of Bengal has been so much starved in every phase, not excluding the police, and we require so much money in matters concerning education, irrigation and other nation-building departments that even if all the recommendations of the Committee were given effect to, it will not meet the needs of Bengal. That is our position and I hope it will not be considered inconsistent. We feel that even if we get the entire jute duty, it will leave us still in want and with further demands that will require careful tackling of the problems touched in the recommendations of the Committee.

So far as the activities of the present Government are concerned, it is better that I leave them for future when we take up the detailed discussion of the budget, except saying that there seems to be a general lack of policy in most of the departments. Take the debt problem of the province. For the solution of this I introduced the Bengal Money-lenders' Bill, but its fate is well known to the members of the House. I hope that there will be some measure before the House to tackle with this question in future. If we really want to solve the long credit problem and give credit facilities to the agriculturists of the province, then something in the nature of a land mortgage bank is urgently necessary. I hope that the Government will be pleased to consider seriously whether time has not come when something should be done in this direction.

I do not know why my friend Mr. Suhrawardy waxed eloquent while eulogising the Irrigation Department for the first time on the coming and prospective Bills the details of which he has not seen. I am yet ignorant of the provisions which Government have accepted, but I must say that it is such a pressing matter in Bengal and so lethargic has been the move of the Irrigation Department in the past which maintains a number of superfluous officers not to speak of many other things which have been referred to by other speakers, that we are all anxious to see when the Bill will come before us. We hope Government will be a little more active in bringing them forward as soon as possible.

Then, the Revenue Department which is now unrepresented in this House is responsible for dealing with the welfare of the *raiyats*. I quite understand that that department is trying to tackle with the cess problem; but it has been tackling with that for a pretty long time. The cess problem is such that to-day we are faced with a situation when the middle class is going to be wiped out altogether. The way in which cess is levied does not affect other classes as much as the middle classes of Bengal. What Bengal is to-day is due to the existence of the middle classes. Its effect on the *raiyats* is very bad but that on the middle classes is disastrous. For some years past we have been crying in vain for getting amendment of Cess Act. We hope that after the extension of life that is to be given to this House Government will be able to bring forward a measure which will give relief to the agriculturists.

Next, our policy in the Court of Wards has not been very happy in the past. Of late, estates have been coming under the Court of Wards in such large number that we do not know what explanation the hon'ble the Raja Saheb of Nashipur has to offer. In the midst of his eloquence he feels that so many estates should have come under the Court of Wards. A system can be justified if it stands on its own legs,

but here the system adopted by Government stands condemned. Government should lay down a policy for taking over the estates of only those persons who are really unable to manage them for various reasons. From the financial point of view, we expect that the Hon'ble the Finance Member will kindly see that some sort of additional imposition is made on the Court of Wards estates. From the life of a District Officer you will find that he has got much more to do owing to numerous estates coming now under the Court of Wards for administration by Government. Therefore it is meet and proper that some addition to the general revenue should come from those estates for the services rendered to them by Government officers.

There is another matter concerning the Revenue Department and I have not yet heard a word as to why that matter was delayed—I mean, the revision of the Famine Code. Everybody knows that the Famine Code was drafted owing to conditions peculiar to the provinces of Bihar and Bengal. We frequently notice that Government disregard most of the provisions of the Famine Code. The Hon'ble Member often says that though Famine Code is there, it has not been revised. We expect that the Code will soon be revised.

As regards Education, Industries and the Local Self-Government Departments, their needs are so numerous that it is very difficult to criticise their works, simply because any measure of welfare in these departments requires finance. I conclude by saying that we require more money for developments in Bengal, and that is where we plead that there should be more retrenchment. But I am sure that in spite of that the financial position will not improve until we get substantial additions to our income, we shall soon have financial disaster. That is the position which should be taken up by this House. It is more finance and finance alone which is now vital necessity of Bengal to-day.

Maulvi HASSAN ALI: Mr. President, Sir, I am quite aware of the fact that the speeches by way of general discussion on the budget estimates are anything but useful, yet I wish to take the opportunity of the occasion to give vent to some of the feelings of the people of the province with regard to the economic position under which we are situated to-day. In this review of mine of the Hon'ble Finance Member's speech on the budget estimates presented to us the other day, I will say only a few words from a layman's point of view; I will not have recourse to any mathematics; because the budget, Sir, a big mathematical jugglery as it is, is beyond my comprehension, I being not a mathematician.

At the outset, the Hon'ble Finance Member sounds a melancholy note inasmuch as he is not "in the fortunate position of being able to announce at least a real improvement in our financial position if not a balanced budget."

Though he has not been able to announce a real improvement in the financial position of Bengal in his budget speech, yet, Sir, to my mind he has been able—and very cleverly—to hold out some optimistic hopes which to my mind, Sir, are of very doubtful reality though not perfectly unreal. In this respect, of his cleverness, Sir, I cannot but congratulate the Hon'ble Member in charge of the financial destinies of the province.

The Hon'ble Member in charge of Finance, Sir, wanted to remove the gloom so deeply cast in the first part of his review of the economic position of the country by his taking recourse to unsettling of the ever-complained of Meston Settlement. The Hon'ble Finance Member, Sir, presents to us a budget which is deficit by about 2 crores of rupees, and he tells us that "the picture of the financial position of the province disclosed by the revised and budget estimates is most distressing" and, but for the future hope and expectation of financial equitable resettlement, is black indeed. He would have us believe, Sir, that though the financial prospect of Bengal—and for the matter of that the political outlook as well—is very gloomy, yet in the next reformed Government, when the equitable redistribution of revenues would be made, we will land upon a new sunshine. The present inequitable financial settlement will be undone and with that the jute export duty will come to our hands and the added revenue will serve us just like Aladdin's lamp and in a day or two we will go forward boldly and pleasantly in the path of social and economic progress of the country and the bogey of bankruptcy ever at our back will be gone for ever.

This sort of optimism is perhaps necessary for a personage in charge of a country's financial destinies. But from the viewpoint of people at large, Sir, I for one cannot congratulate the Hon'ble Mr. Woodhead for his this pleasant optimism. The Hon'ble Mr. Woodhead may draw the picture of the future as pleasantly as he likes, but to the people of Bengal the picture is as dark and as awful as it has ever been.

Supposing in the next settlement of financial resources we get from jute export duty and income-tax revenue 2 or 3 crores of rupees, but will that alone ensure us a prosperous or even a balanced budget? I for one cannot believe that. It is receipt of actual money and not the figures on papers which carry on administration. The abnormal decrease in prices of jute and rice of the country has made the coffers almost half empty and will continue to do so for how many years to come we do not know. Providence alone knows when this depression will come to an end.

Therefore, Sir, we will have to depend only on those big and barren figures and figures alone without anything corresponding to them in the shape of coins, no matter whatever redistribution of revenues be made with regard to jute and income-tax in the future constitution.

The Hon'ble Member in charge of Finance himself admits that the fall in the price of jute and paddy crops has decreased the purchasing power of the people, and it is no surprise that in spite of the increase in taxation to which the Council agreed in 1922-23, and the increase in registration fees imposed in 1925-26, the receipts from the five main heads of revenue, *viz.*, Land Revenue, Excise, Stamps, Forests and Registration have fallen from about Rs. 9,78 lakhs in 1928-29 to a figure which is actually less than the yield from those heads of revenue in the year 1921-22. Then again in another place in his speech the Hon'ble the Finance Member admits that the "prospects of an improvement in revenue depend almost entirely upon a substantial improvement in the prices obtainable for the staple crops of the province."

I, therefore, say, Sir, that no amount of new additional heads of revenue resources such as jute export duty or income-tax contribution from the future Federal Government would enrich us to solve our financial problem until and unless we find out means to raise the prices of these two crops, namely jute and rice, in Bengal.

I for one and the cultivators of Bengal, I am sure, were naturally looking forward to the Hon'ble Finance Member that he in his budget speech would make suggestions on this most important problem of how to raise the prices of jute and rice products of the country, and which, I believe, is a problem that has always been engaging the attention of the whole of Bengal for the last three or four years. The Hon'ble Mr. Woodhead's financial head has failed and failed most disappointingly on that score and I on that account cannot congratulate him.

Is there then, Sir, no way out of this awful situation of economic distress in the country? Will the people then die of want of food and clothing? Will the *zamindars'* estates then be sold in auction and will the tenants then be all sent to prison for their inability to pay rents? Will all these improve the financial and political outlook of the province? The Hon'ble Mr. Woodhead admits that he sees no real indications at present of substantial improvement in the prices of the staple crops of the province, and, therefore, there is little or no prospect of an improvement in the revenue receipts. Are we then, Sir, to sit tight over the unreal and vain optimism and are we also then to continue groaning under the miseries? The Hon'ble Finance Member would suggest that in case of the country's being faced with the continuance of the existing conditions, retrenchment of the most ruthless character on both the reserved and transferred sides of the budget would be unavoidable. And when he says this, he perhaps feels a most ruthless shock of pain inasmuch as, according to him, retrenchment of this nature would be disastrous to the welfare of the province; because he says, "it could not be effected without a permanent impairment of administrative efficiency accompanied by a drastic reduction in the

present inadequate amount devoted to what are called the nation-building departments". In other words, he appears to think that a drastic retrenchment would render the whole administration weak and inefficient, as if good and efficient administration depends upon larger and larger expenditure of money alone. And, therefore, Sir, Government is afraid of launching upon a programme of drastic retrenchment; and it has not accepted *in toto* even the most modest suggestions of retrenchment proposed last November by the Committee appointed by the Government itself.

That shows, Sir, clearly the mentality of the Government. You may be afraid of retrenchment on whatever grounds you like; but retrenchment and retrenchment alone is the surest remedy of the present economic evil in the country.

Sir, hitherto the practice of our Government has been to spend more and more without paying any serious heed to the revenue of the country, and the result is that for the last 12 years there has been an ever-recurring increase in the deficit head of the budgets, and a consequent ever-recurring adjustment of the receipt and expenditure by means of an ever-increasing overdraft from the Government of India, and it is no exaggeration to say that the Bengal Government is a bankrupt Government.

Sir, in other countries of the world, we find that the character and the condition of the people in general is naturally reflected in its government, but here we are faced with an opposite case. The life of our Government has been reflected in our people. This has been most true, Sir, in respect of economy. This Government has been extravagant, and were concerned with spending more and more than with increasing the resources of the country. The character of the people has become like that of its Government; and we find that the whole population is heavily indebted, and it is no wonder therefore that the whole peasantry of Bengal to-day is groaning under a burden of debt amounting to one hundred crore of rupees.

The budget speech of the Hon'ble the Finance Member does not suggest anything with regard to the means of removing this evil of indebtedness of the people which is eating into the very vitals of the nation. I, therefore, say, Sir, that from the people's point of view the budget prepared by the Hon'ble Mr. Woodhead is a big and hopeless failure. "We must cut our coat according to our cloth" is not merely a maxim, to be taught to school children, but the principle underlying it has been acted up into practice both by individuals and families. Whenever the income of an individual or a family decreases, it curtails its expenditure and adapts itself to the most stringent economies in order that it may live until better times come. But the Government of Bengal has not found its way to follow the eternal truth underlying this maxim.

The bogey of inefficiency and mal-administration always haunts the Government whenever the question of retrenchment comes in, quite forgetting the fact that there is no salvation of the country without retrenchment. Small retrenchments here and there will not do. The pinning and scrappings here and there, five or ten rupees cut in this or that department, will avail us nothing. What is necessary is a thorough overhauling reduction of expenses. In other words, a thorough revision in the life of the people and its Government must be made and the whole status of the life of the Government must undergo a thorough change; this and this alone appears to me, Sir, to be the remedy for the regeneration of the economic life of the people.

Rai Bahadur SATYENDRA KUMAR DAS: We welcome the Hon'ble Mr. J. A. Woodhead in his new role. How I wish we could have welcomed his budget estimate as well. But the Hon'ble Finance Member is really frank and sincere when he admits that his budget estimate is the most distressing one; and not only the financial but the political outlook as well of Bengal is black indeed. I appreciate his frankness and sincerity.

The first performance of our new Finance Member is anything but encouraging. I admit, he has taken great pains to manipulate facts and figures, and has pressed down the deficit figure of last year from Rs. 1,64,00,000 to Rs. 1,37,49,000, showing Rs. 26,51,000 as less deficit than what was apprehended last year.

But, Sir, Rs. 1,37,49,000 is not the correct figure of our actual deficit, I mean the deficit we incurred last year. Our real deficit is much more than Rs. 1,37,49,000. You admit that you have withheld some payment. Well, that amount should be added to our deficit figure. You admit, you had some extra income from stamps, etc., and you have spent all that. I submit this extra income should also be added to our deficit figure. And if you do that, as one should do, then, Sir, our deficit figure would certainly be much more than Rs. 1,37,49,000, as disclosed by our Hon'ble Finance Member, on the 21st February, 1933. It is not a laudable performance; not at all.

By not adding what should be added, and by deducting what should not be deducted, our new Finance Member has cleverly proved us as false prophets, because though the days of prophecy are gone, I ventured to submit last year about this time that our probable deficit would go higher than what was then estimated. Our deficit figures are as follows:—

	Rs.
1930-31	98,00,000
1931-32	2,11,00,000
1932-33	1,37,49,000
1933-34	1,83,37,000

The last figure is estimated for the coming year, and it is the crowning figure of all figures. But, Sir, I have proved that the figure of 1932-33 is not correct. It is due to the artificial manipulation of figures. Accordingly, I, for one, cannot but doubt the correctness of our probable deficit for the coming year. I shall feel happy if I am wrong, but I hope I am not.

Jute is the money crop and rice is the food crop in Bengal. The prices of these two main crops have abnormally fallen. The Hon'ble Finance Member has dealt at length with this topic. But he will pardon me if I say that so far as I am concerned, he has failed to convince me.

Yes, the prices have fallen, but what is that to the Government? The prices of Government securities have gone up, and are even going up day by day. The Government credit is affected neither by the fall in the prices of jute and paddy nor by our huge deficits from year to year, not even by the civil disobedience movement and anarchism.

This may sound as a startling assertion to many. But, Sir, these are only statement of facts. Everybody knows that prices have fallen, the purchasing power of the rupee has abnormally gone up, as it did probably at the time of Shayesta Khan in the beginning of the second half of the 17th century, but do the people feel happy on that account as they did during the regime of Shayesta Khan? No, they do not, and why? Because it has affected the people and not the Government. The people are different from the Government. This is my unfortunate inference. Government servants draw as salary and pensions something like two-thirds of the total budget expenditure, which roughly amount to Rs. 6½ crores. These Government servants have not only not suffered but immensely benefited themselves by this general fall of prices, in spite of the small cut in their salaries which again is very disproportionately distributed in our top-heavy administration.

Again, Sir, the fall of prices has not affected the Government to the extent it should have done; or by this time the Government would have prescribed some remedy for it.

In the matter of Land Revenue the Government has no direct dealings with the *raiyats*. This thankless and much maligned task is entrusted to the middlemen—*zamindars*. Since 1793 A.D. to-day *zamindars* cannot realise rents from the *raiyats* because of the fall of prices. But has the Government made remission or any concession to the *zamindars* in the payment of revenues and road cess? No. Then how is the Government affected by the fall of prices? I, for one, fail to see it; in spite of the clever handling of some commonplace figures by our new Hon'ble Finance Member, who seems to be rather an expert in this fairly difficult art.

Our expenditure is estimated for the coming year as Rs. 11,32,24,000 and income as Rs. 9,48,87,000. Accordingly we get a clear deficit of Rs. 1,83,37,000. We expected a balanced budget this year. But what is this? But, Sir, balanced budget is not possible. And why? The Hon'ble Finance Member has made his excuses with regard to the extra adjustments of Rs. 1 crore and about 7 lakhs. Half of this Rs. 1 crore 7 lakhs is Rs. 53 or 54 lakhs and these are to be spent in connection with civil disobedience movement and anarchism. Who will say a word against it? Because the Hon'ble Finance Member has made much about it. Sir, last year, I clearly proved that in 1931 there was no civil disobedience movement and anarchism and we still had as usual our deficit budget. What is the explanation, please?

It is useless to argue that people do not go to jail for the mere fun of it. The Hon'ble Finance Member has spoken of adjustments of expenses on this account. But finance is not divorced from politics. They are interconnected. Why not make adjustments with the civil disobedience movement and anarchism themselves? The anarchists do not give an open fight. I fail to see how the newly posted district soldiers can fight out the anarchists.

And, Sir, if you have soldiers in the districts as you already have, why again you keep armed police? The custodians of public purse in this country, drawing two-thirds of the total income into their own pocket as salary and pensions, are not expected to make adjustments in accordance with the needs and requirements of the hour and that is why the Hon'ble Finance Member goes back to the year 1921—to find out a standard of our expenditure; which again is Rs. 10 crores and 9 lakhs.

What charm is there in that miraculous figure, I do not understand. The year 1921 has long gone by. We are concerned with the year 1933-34. Why do you stick to 1921? Why not face the present situation boldly? Unless the Government is prepared to do that—and I regret to say that I see the Government is not prepared to do that—there is no remedy for our deficit budget. We must cry hoarse over it, but to no effect. As we are doing year in and year out.

Well, Sir, if the present Government of Bengal is given only Rs. 9 crores to carry on the administration for 1933-34 and no power is given to it either to borrow or to spend on this account, do you think, does anybody in this House think; I ask, does the Hon'ble Finance Member think that our Government will refuse or fail to carry on the administration because of Rs. 9 crores only? The Government can go on with Rs. 8 crores without losing any efficiency, if the Government like.

But the Government does not like it, and, Sir, the Government finds it "impossible to abandon the second visit to Darjeeling" and, Sir,

excuse me, the Government must leave "the supply of dagger tassels to the head orderlies of Members and Ministers." These are trifles, I know.

The trifles express both the individual man and the corporate personality, I mean the Government. Retrenchment is not possible unless there is a thorough change of outlook in the Government. We had our Banking Enquiry Committee, but the Government is financially unfit to make experiments with the proposed land mortgage banks. We had our Retrenchment Committee, but the Government is morally unfit to accept its recommendations. Then what shall we do? Where have the reports of all these committees gone? What benefits we derived out of them? None whatsoever. So it does not lie well in the mouth of the Government to say that we did not supply them with our constructive plans and programmes. They are there. But who will construct? The Government who fails to press down its expenditure to the reasonable limit of Rs. 9 crores in the face of the present difficulties, is a Government who cannot go down to history as politically wise. Had the Hon'ble Finance Member been made responsible to the same extent as those belonging to other countries of Europe, would he have dared to present such a budget estimate before a really representative house of the people? I think not. Sir, if I criticised the Government a bit frankly, it is because the present situation demands it. We can suggest and suggest, but we cannot force the Government to accept what we suggest, and that is the most thankless and unfortunate part of our business.

Maulvi ABUL KASEM: I rise to a point of order, Sir. It is now 5-15 and the guillotine will fall at 7-30. I should like to know when the Treasury Benches will reply to the criticisms of the non-official members if we do not stop such speeches at some stage?

Mr. PRESIDENT: Order, order: That is not a point of order; you may leave that matter to me.

Mr. C. C. COOPER: There is one point, one factor, in the budget which appears to be overlooked on this occasion, I notice that the credit to the revenues on account of the salt tax is Rs. 5½ lakhs only.

This House on more than one occasion has entered a very emphatic protest against the imposition of this tax on Bengal, and I would like again to voice our protest against its imposition on us. In round figures—the figures are only round and approximate—the annual cost to the Bengal consumers of the iniquitous tax on salt has been (*a*) extra tax on foreign salt paid by buyers direct to the Collector of Customs, Rs. 8 lakhs and (*b*) extra price paid to Indian and Aden salt merchants as a result of the protection given them, Rs. 21 lakhs, making a total tax on Bengal of Rs. 29 lakhs.

As regards (a), owing to the unanimous protest in Bengal and by this House the Finance Member agreed that seven-eighths of the tax collected should be restored to Bengal provincial revenue and that the remaining one-eighth should be devoted to exploring the possibilities of increased salt production in India. Presumably a part of this one-eighth was spent on the inquiry into production in Bengal and Bihar and Orissa but the Government report held out practically no hopes of expanded production there. I understand that the one-eighth tax retained by the Central Government is now earmarked for Khewra salt works. Therefore the present position is that Bengal consumers are paying Rs. 29 lakhs annually in round figures, but Bengal revenues are benefiting only to the extent of Rs. 5½ lakhs, central revenues receiving Rs. 1 lakh, and Indian and Aden producers Rs. 22 lakhs, and Aden by far the greater part of this amount.

I do not know how far Bengal under the new constitution will be able to object to being sacrificed for the benefit of traders in other parts of India, but from the point of view of consumers in Bengal the new tax represents a dead loss to Bengal of Rs. 29 lakhs, and the only benefit to the central revenue is Rs. 1 lakh, and to Bengal revenue Rs. 5½ lakhs. If the Bengal Government still require this revenue of Rs. 5½ lakhs I would venture to suggest that it would be much more satisfactory for Bengal if the money were raised by imposing a relatively smaller tax equally on Aden and foreign salts. This would be a much cheaper proposition for Bengal and consumers in the province would have the satisfaction of knowing that the relatively small extra amount which this tax would cost them was going entirely to Bengal revenues and not largely to the profiteers in Aden.

To tax Aden salts and not other Indian salts would not be such a radical innovation as might at first appear. At least some precedent for such a tax is provided by the discussion in Simla in May last year between Government and the Indian salt manufacturers including Aden. It was pointed out that the protected salt interests had really benefited at the expense of Bengal consumers much more than it was intended by the Tariff Board, since the Tariff Board in arriving at Rs. 66 as a fair selling price had calculated steamer freights Aden/Calcutta at Rs. 8 whereas they have been in the region of Rs. 5-4 to Rs. 5-8 only. The protected salt producers were asked if they were prepared on this account to make some concessions to the Bengal consumers and the Aden interests. I understand that they were prepared to do so. When it was asked how this concession could be made, Mr. Lloyd suggested that it could be done by levying a tax of, say, one rupee per ton on Aden salt. The Aden producers of course do not require any protection at all, and the protection given to them simply largely defeats an equivalent protection given to producers in India. But if the Bengal Government cannot now afford to lose Rs. 5½ lakhs

of revenue it would seem to be fairer to raise this revenue by a comparatively small tax on foreign and Aden salts rather than ask Bengal to pay a large tax on foreign salts, and also in consequence, a large price to Aden producers who are protected. Apart from the saving to Bengal consumers that would be effected by this means a further advantage of spreading the tax on foreign and Aden salts would be that Government would know more accurately what revenues they were going to receive on account of the tax, as there would be less violent reactions on account of the tax in that case. For example, when the tax was imposed on foreign salts it was anticipated that the resulting revenue to Bengal would be much larger than it actually is. The taxed foreign imports decreased so much that Bengal revenues only received about half of what was originally anticipated. To take the matter a stage further Bengal Government could so arrange the tax that they would receive from Aden and foreign salts considerably more than the Rs. 5½ lakhs—the present proceeds, and still further relieve Bengal consumers of much of the burden which they at present most unjustifiably have to bear.

The only right and just thing is that the tax should be removed altogether, but if this is not possible then I commend this compromise to the serious consideration of Government.

Babu AMULYADHAN RAY: Sir, delivering a speech in this Council is like taking physical exercise by jumping, which we are so fortunate to enjoy, but leaving that enjoyment aside for the present, let us come to that dry subject, the major head and the minor head of Mr. Woodhead's budget. Year after year the presentation of the budget to the Council and its general discussion have been a hackneyed affair. Nothing new is forthcoming; no charm, no novelty is to be seen, but in view of the short time at our disposal and the effect that would follow our discussion by crying in the wilderness in this House as at present constituted until real responsibility in the administration of the country passes into the hands of the people, I do not like to criticise or justify the whole of the budget item by item; but the Hon'ble Finance Member should not think even for a moment that he will get a certificate from the people of Bengal for presenting a budget which raises no hope for the future. Fortunately for Mr. Woodhead, there are in the country the civil disobedience and the terrorist movements which according to him have contributed to a large extent to the difficulty of our financial position; otherwise, where could he have found his argument in favour of the irresponsible, unnecessary and extraordinary expenditure for the police of the Hon'ble Mr. Prentice which draws one-fourth of the provincial revenue, derived from the life-blood of the dying people of the country? The Hon'ble Mr. Woodhead was weeping and weeping piteously the other day that he

could not effect economy owing to the promoters of anarchy and civil disobedience movement. But that poor argument will not appeal to the people now practically on the verge of death by starvation. Mr. Woodhead who has spent most of his time as a judge should have made a clear confession. He might have said that King Vikramaditya of our history had nine gems in his palace and that in the place of nine, to-day the people of Bengal have seven gems in "Sir" Provash and "Sir" Ghuznavi, and without "Sir", Messrs. Prentice, Woodhead, Faroqui and Nazimuddin, and Bijoy Prasad—each of them valued at Rs. 64,000, so that from the time of King Vikramaditya to the present moment there has been a diminution of two gems only.

The Hon'ble Finance Member should have had the courage to say that he could not effect economy owing to the big bellies of these seven jewels on the treasury bench whose beautiful sight always pleases our eyes and owing to their disciples in this top-heavy and unpopular administration.

The Hon'ble Member told us the other day that many of the recommendations made by the Retrenchment Committee required most careful examination and must necessarily take time. True it is, but the restoration to whatever proportion it may be in the emergency cut pay, voluntary or compulsory, did not require a careful examination but it prompted a hasty conclusion in its restoration even at a time when 80 per cent. of the people are dying of starvation. I do not think even for a moment that but for this restoration the public servants of Bengal would have died out of the land. The duty of the Hon'ble Finance Member was not the partial restoration of the emergency cut in pay but was by declaring a moratorium to keep alive that section of the people commonly known as the agricultural people of Bengal who are producers of national wealth upon which the whole structure of the administration depends. By this time the Hon'ble Member should have had accepted the recommendations of the Retrenchment Committee and should have declared that public servants in a poor country will have to maintain themselves in a poor fashion. The Hon'ble Mr. Prentice by making a provision in the budget of an additional expenditure of Rs. 53 lakhs may control the movement subversive of law and order or he can keep the rank and file of the service contented by giving them fat salaries which they do not require for living but keep on hoarding; but he can never control practically 80 per cent. hungry lions of the population with the help of his "my dear police". If this humble note of warning is not taken notice of to-day, the foundation of the whole administration, like the French Revolution, will fall down to the ground like a house of cards.

Maulvi ABUL QUASEM: Mr. President, Sir, hon'ble members who have preceded me have congratulated the Hon'ble Finance Member on

the skill he has displayed in framing the budget. Not being skilled in finance, Sir, I do not pretend to discover any skill in the framing of the budget. To me the sad and outstanding fact is that the budget is only another deficit budget and that it does not hold out any hope of relief to the sorely tried toiling millions of this province. The people are overburdened with impositions and taxation, direct and indirect. The income—never considerable—on which they used to live has become to them a memory. Their miseries are daily growing. They are, in very truth, not living but barely existing. But the weight of taxation on their enfeebled shoulders continues to be as heavy as ever and, as things stand at present, promises to do so, till possibly they are crushed out of existence. And what are the Government doing, Sir? They had set up a Retrenchment Committee. To put it mildly, the Committee's recommendations were timid, half-hearted, halting and hesitating. Even these recommendations—I mean a substantial part of their major recommendations—Government have not seen their way to accept and give effect to. Sir, in the appalling conditions that have been prevailing, the income of all sections and classes of people has been reduced incredibly low. Countless people, particularly *bhadralok* youths—Muslim as well as Hindu—are unemployed. Government had last year imposed a cut of 10 per cent. on the salaries of their officers. Without any improvement in the finances of the province Government have thought fit to reduce the cut to 5 per cent. Sir, in view of the low prices of the necessaries of life this 10 per cent. cut was causing no serious hardship to anybody. In fact, if any class of people could be said to be happy in these really unhappy times that class surely is the Government servants who are in enjoyment of a fixed and regular income. A cut of 10 per cent. in their salaries was as dust in the balance compared with the diminution by half and more than half of the income of other classes of people. And still the Government have restored 5 per cent. of the cut. This is an action, Sir, which, to my mind, discloses a callous indifference to the hardships of the people and is utterly indefensible. We are, Sir, virtually asked to assent to the proposition that while the public are groaning under an intolerable load of sore distress and tense anxieties their servants must live in a paradise of plenty. Sir, the action of the Government forcibly illustrates the almost universal conviction of the people that the present Government do not exist for the people but the people are made to exist for them. And, Sir, it also illustrates that the present Legislative Council is a huge mockery. We members—hon'ble members—are really assisting at a farce. In vital matters we are not consulted; our opinions do not count. We are gathered here as representatives of the people. But beyond being allowed to make some noise are we really allowed to exercise the influence on Government that is ours as representatives of the people? Sir, as a newcomer to the Council I must frankly confess, I am completely disillusioned. I would far rather

welcome a reversion to the old, frankly autocratic, system under which one Lieutenant-Governor used to govern Bengal, Bihar and Orissa. That system had at least the merit of comparative cheapness. The present system under which Bengal alone is governed by one Governor and seven Lieutenant-Governors—I mean the four Hon'ble Members of the Executive Council and the three Hon'ble Ministers—and a host of secretaries, assistant secretaries and under secretaries at an incredibly high cost is a heartless cruelty inflicted upon the impoverished people. The present system has brought no happiness, no contentment to the people. Either give us, Sir, a system without further loss of time, under which people will be able to enforce their will and to suit the character and the cost of administration to their genius and condition and to the finances of the country or mercifully restore the old system.

Sir, the conviction has been borne home to me, as to others, that Government are not seriously minded to effect all possible retrenchments. While in another province, one of the richest in India, there has been a reduction of Members and Ministers, in our province in spite of our chronic bankruptcy we are told there is no room for any reduction of Members and Ministers. And, then, Sir, one would have expected that Government would take immediate steps to reduce drastically the extravagant and lavish scales of pay of their officers, at least in the case of new entrants. The Government, Sir, appear to be determined that their servants must have their pound of flesh though the people, whom they are supposed to serve, perish in the process. I am aware, Sir, that the Government are banking on a return of prosperity. But is not this return of prosperity taking an unconscionably long time to materialise and what warrant is there for hoping that it will, if at all, materialise to the extent desired? What are the people to do? Must they be resigned to their distress and sufferings as inevitable and irremediable?

Mr. ANANDA MOHAN PODDAR: Sir, the picture of the financial position of Bengal as disclosed by the Hon'ble Mr. Woodhead in his first budget speech is as cheerless as it is distressing. The current year is expected to close with a deficit of Rs. 1,37,49,000 and for the coming year the expectation is a further overdraft of Rs. 1,95,00,000. The position is thus extremely precarious and the Hon'ble the Finance Member himself thinks that the picture is not only distressing but if the conditions do not improve as a result of more equitable financial adjustments and of industrial recovery—not only the financial but the political outlook as well will be black indeed. Sir, deficit budgets are the order of the day all over the provinces in India. Trade and economic depression is surely responsible for the fall in revenue receipts and the Hon'ble the Finance Member deserves our sympathy and congratulations for his balancing the budget without

burdening the overburdened people with fresh taxation. Sir, we know that the Meston Award has bled Bengal white, we know also that owing to the economic depression and the abnormal fall in the price of commodities the receipts are far below what they would be in normal circumstances. But the present slump has not come all on a sudden—and there has been no ground for optimism. In such circumstances the first duty of the Government should have been to make utmost effort in the direction of economy and retrenchment. But while going through the budget the thing that strikes us most is that the situation has been viewed by the Government more from the political than from the economic point of view. With a deficit of Rs. 1,95,00,000 written large on it, when the budget shows that the total amount of reductions in the next year's estimate is even less than four lakhs of rupees and when the restoration of 5 per cent. cut burdens the public purse with a responsibility of Rs. 17,00,000, it becomes apparent that the Government of Bengal betray no anxiety for economy and retrenchment. The Report of the Rretrenchment Committee has been before the Government for months past, and the Hon'ble the Finance Member admits that leaving aside the reductions in personnel which can only take effect gradually, an immediate curtailment of expenditure to the amount of Rs. 59,00,000 could be easily effected by accepting their recommendations. We regret that the Government have not the courage to effect cut beyond an amount of four lakhs of rupees. On the other hand, the memorandum circulated along with the budget giving particulars of the retrenchment proposals accepted by the Government shows that the most important suggestions of the Committee by which substantial relief to the finances of the province could be given, have either been rejected or their consideration postponed. So far as can be gathered from the signs of the time—the present depression is not a passing phase but it has come to stay. So the only sensible course for us is to prepare ourselves for adversity—and it is rather unfortunate to note to-day that the Government seems to be quite ignorant of the wisdom of keeping the year's expenditure within the year's revenue.

Sir, the recommendations of the Swan Committee have been admitted by all as modest and very cautious. This Committee was appointed by the Government of Bengal—and they have at least a moral obligation to consider its recommendations favourably. Let us see how these recommendations have been treated by the Government of Bengal. We find on the Land Revenue head a cut of Rs. 50,000 has been effected while the recommendation is for Rs. 4,01,400; on the Excise head Rs. 15,810 has been effected out of Rs. 1,88,900 recommended. The other items are as follows:—Registration Rs. 81,800 out of Rs. 6,93,400; Scheduled taxes Rs. 10,000 out of Rs. 10,000; General administration Rs. 43,800 out of Rs. 18,95,500; Administration of

justice Rs. 1,425 out of Rs. 7,30,100; Jails Rs. 6,000 out of Rs. 64,500; Police Rs. 21,650 out of Rs. 11,01,200; Education Rs. 51,556 out of Rs. 9,14,000; Medical Rs. 4,000 out of Rs. 5,60,400; Industries Rs. 3,000 out of Rs. 1,90,700; Commerce and Marine Departments Rs. 1,440 out of Rs. 1,06,860; Stationery and printing Rs. 1,01,000 out of Rs. 1,95,000; Miscellaneous departments Rs. 5,000 out of Rs. 18,900. The other heads have been left untouched. The total reduction included in the budget is thus Rs. 3,96,481, the approximate ultimate savings being Rs. 10,02,215. The Committee recommended for an ultimate saving of Rs. 1,84,96,000. The percentage of immediate and ultimate savings if calculated stands roughly like this—less than 2 per cent. immediate and less than 5 per cent. ultimate.

Sir, the prices of commodities and daily necessities in Bengal have fallen by at least one-third. Those who depend on their salaried income are thus in a more advantageous position than those who depend on other sources. A person drawing a monthly salary of Rs. 65 or Rs. 70 to-day is in the same position with a person drawing Rs. 100 a few years ago. So we find little harm in reducing his salary nor we find any reason for restoring his cut. I venture to suggest that time has come when the whole expenditure on our administration should be subjected to a critical and dispassionate examination and a scale of salaries adopted which will be within our humble means.

Sir, much has been said about the political unrest. No one can deny that there is wide-spread discontent throughout the length and breadth of the country and the Government is to spend a huge amount from its slender purse for the maintenance of law and order.

5-40 p.m.

But my humble submission is this. If the Government will spend less on the superior services which are maintained on the plea of efficiency and keeping the British tone of administration, and if they will embark on a bold and comprehensive programme for extension of primary education and medical relief, for better water-supply and other schemes of rural uplift, for the improvement of agriculture and the encouragement of indigenous industries, for the solution of the colossal unemployment problem and for the betterment of rural economics of Bengal, much of the political unrest is sure to vanish. For the suppression of terrorism and civil disobedience movements the public purse is going to be burdened to the extent of Rs. 54 lakhs in the coming year, which is about Rs. 7 lakhs in excess of the current year. Though we find no justification for this additional expenditure as, according to the Government version, the movement is on the wane. However, if the Government, in spite of spending this Rs. 54 lakhs, curtailed it at least by this Rs. 7 lakhs of additional expenditure and spend the saving in giving employment to the unemployed that would improve

the situation. During the last 3 years the Police budget has increased by Rs. 2,77,38,000. Police has the largest share in the budget, but the irony of fate is that the number of crimes in the *mufassal* is continually on the increase. Police says that they have no time to deal with ordinary crimes as they are kept busy with terrorists and other political offenders. In such circumstances I would suggest to entrust the police functions in outlying areas to voluntary defence committees. That would not only reduce expenditure to a considerable extent but would lead to a great improvement in police administration. It will make police popular, whose very presence to-day inspires only awe and indignation in the mind of the people owing to the present Government policy.

Sir, we are on the eve of great constitutional reforms. A decade ago we were given another instalment of constitutional reforms. On that momentous occasion a good number of nation-building departments were transferred to the charge of the Ministers who are responsible to this Council. But what was the result? The Ministers were put to awkward positions. Though they were entrusted with some of the most important departments, no money was placed at their disposal to meet the popular demands, calculated to improve the condition of the country educationally, economically and physically. The Ministers, at least some of them, were men of sterling merit and personality—they could not put their whole personality into action and do good to the country as they had no money at their disposal. I shall cite an instance or two. The Hon'ble Nawab K. G. M. Faroqui, Minister in charge of the Industries Department, is in right earnest to help the unemployed youths of Bengal and he has very recently adopted a scheme for the purpose. But the fund placed at his disposal, as we find, is no more than Rs. 1 lakh only. How can a problem concerning no less than 10 lakhs of people be solved with the scanty amount of 1 lakh of rupees, is beyond our conception. Take again the case of primary education in Bengal. The Primary Education Act was passed about 3 years ago at the earnest efforts of the Hon'ble Mr. Khwaja Nazimuddin, our Minister in charge of the Education Department. The Act is up till now practically a dead letter for no other reason than want of funds. The Minister in charge of Public Health also is in a similar position. The Hon'ble Mr. Singh Roy is really in earnest to improve the public health of Bengal, but the paucity of funds stands in his way as usual.

Sir, this is the condition of our public purse. This is the situation of our reformed Council. When the last reforms were introduced we, who belong to a section out to co-operate with the Government and work out the Reforms, thought that we might have peace in the country, but we now perceive that the Government has launched upon a course which makes peace in-thought-of within the lifetime of the present generation.

Bengal, the richest province in India, with the largest and mo advanced population among the provinces, is to-day face to face wi dire distress and abject poverty. Her agricultural products are fetc ing no profits, her trade is gone, she has no capital to revive her indu tries. How long is she to remain in this state? What we wish to pre for is that unless and until some constructive programme be adopt for the improvement of the economic life of Bengal, and unless a until her administraive expenditure be reduced to the minimum, h fate is sealed and she cannot expect a balanced budget in the ne future.

Mr. P. BANERJI: Sir, some members have congratulated th Finance Member on his budget speech and some on the budget itse while some have pitied him. I do not know if it is a matter for co gratulation or pity, in view of the fact that he has treated differentiall the departments under Ministers and those under Members. As usua the Police Department has got the lion's share of the budget and i pointed out by some members in the absence of the Member in charg of the Police Department, the lion's share, namely, 25 per cent. of th whole revenue, is going to be appropriated, or I should say misappr priated, by the Police Department. It has been stated on the highe authority that the civil disobedience movement is no longer a menac to the country and the terrorist movement has been brought under co trol. That being the case, may I inquire what is the necessity for th additional grant for the police. Whenever the Hon'ble Mr. Prentic comes forward for an additional grant, he gives an assurance that it wanted only temporarily to meet the temporary situation.

But in the budget we find that in spite of the fact that civil di obedience movement is no longer a menace to the country and th terrorist movement has been brought under control by the Governmen still money is wanted for the police and invariably a big amount alway finds place in the budget for it. It has been, as a matter of fact, permanent feature in the budget. The fact is that there is certai vested interest that thrives on account of this increased grant in th police budget. Sir, as I have pointed out times without number i this House, the police are not doing what they should have done to pro tect the people of the country. They are rather a body to oppress th people.

Then, again, Sir, the police are there and it is not known for wha purpose another additional grant of one lakh of rupees is required fo military who has been requisitioned for doing the duty of police. I is a sort of back-door policy to provide money for a body who are calle to do duty for which Bengal has already contributed. Furthermor these grants are being made at the cost of other starving departments– especially the departments under the charge of the Ministers who can not get money to put into effect their schemes for want of funds. I

heir speeches it is very often said that they are unable to give effect o their development schemes for paucity of funds. There are also ther departments which suffer in this way, while the Finance Member s always generous so far as the Police Department is concerned.

Sir, people are dying for want of employment, there is famine in he country and still the police, which is disturbing the peace in the ountry, is getting increased grant year after year and the major por- ion of the Government revenue is being devoured by them.

Then as regards military—why should Bengal bear the burden of n additional contribution of one lakh of rupees for their temporary ervice in Bengal? They are already paid out of Indian revenue and here is no reason why Bengal should make a special contribution for heir temporary location here. The Hon'ble Member in charge of Finance should make inquiries and take steps to make a reduction in he Police budget. I think either this item has escaped his notice or e is helpless in the matter. He therefore deserves our pity and not ongratulation.

Sir, Mr. Thompson in the course of his speech yesterday pointed ut, and pointed out rightly, that the Indian Government is dishonest n finding money for Bengal. I am glad that he at last has realised t—it is a pity he is not here present now—he realised it rather too ate, but better late than never.

Then again, it is not uncommon to find in this House members of a particular group while speaking against a certain measure or action of Government go with them in the same lobby when a division is taken. We also hear often the great champion of the depressed class—I mean Mr. Amulyadhan Ray—whose speech of course is always amusing and breaks the monotony of the Council. Although he criticises the budget and speaks against it he would go with Mr. Prentice and Mr. Woodhead in the same lobby if a division is taken.

Again, Sir, last year we succeeded in bringing a cut motion in con- nection with gambling in carnivals. At that time although the Gov- ernment was defeated and although the then Member in charge of Finance, Mr. Marr, took note of the defeat and assured the House that steps would be taken to stop such gambling, it still goes on as usual.

Sir, I want to emphasize one other fact. If Government want money and if they are in earnest about it, instead of encouraging lotteries here and there, they should start State lotteries. But they do not mean business: they are only for harassing the people. Only three years ago what was the position of Ireland? They were in great difficulty for funds for hospitals and such other things. But by starting a State lottery they have been able to contribute the huge amount of Rs. 88 lakhs to the aid of their hospitals. I say if such a lottery is started to-day here under the patronage of the Government, the members of

the Council will be prepared to lend their support and take the responsibility. But apparently Government do not mean business and do not want to do what is really beneficial to the people: that is our grievance. These standing committees are good, but none of them have promulgated any new schemes which have come into force.

5-55 p.m.

I will now turn to the remarks of Mr. Thompson. He says that there is no money, that there is trade depression all over, and yet he suggests that there should be 4 Ministers and 4 Members; there are no funds and no business to be done, and yet we must maintain them, I do not know why. It has been suggested by one member that the Government can be run quite efficiently with one Executive Councillor and one Minister.

Now, as regards the Education Minister. As was pointed out yesterday, he has similarly complained of want of funds, and that is the reason why the Primary Education Act which was rushed through this Council, has not yet come into operation. He has assured us that it will be put into operation as soon as funds permit in some districts. That was not our object. Our Muhammadan friends thought that since this Bill has been passed into law, and our friends the landed aristocracy would have to pay for it, it would be brought into operation in a very short time. But for want of funds, the Hon'ble Minister says, this education cess cannot be collected.

Government says there is no money, and yet the motor vehicles tax which was recently collected, realised something like 16 lakhs of rupees. Out of this a bare Rs. 5 lakhs was given for the reconstruction of roads, and the balance Rs. 11 lakhs, as pointed out by Dr. Sen Gupta, has been misappropriated by Government. It was not earmarked for any purpose, so only Rs. 5 lakhs was given. I am not wrong if I also say that this item has been misappropriated by Government.

Then again, I find that the grants-in-aid to many schools has been considerably reduced, and in many cases cut down entirely. Take the Kasinagar School, for instance. That grant has been stopped because that institution has only 75 students in the upper 4 classes, but Government do not take into consideration the place where the school is situated. It is in the extreme south of Bengal in the Sundarbans where they cannot expect more students. The result has been that the grant has been taken away and given to some institution where more money was not needed, even unasked. That is the policy of the Government in the Education Department, namely, to carry coals to Newcastle.

Now Mr. Singh Roy is a great champion of Burdwan; he lives in Burdwan. Every one knows that malaria first appeared in Jessore, and

yet experiments in malaria eradication have been started in Burdwan, because he says that malaria first started in Burdwan. But it is a proved fact that malaria first started in Jessore, and it is in the fitness of things that the experiment should have been carried out in Jessore and not in Burdwan.

Now, Sir, the Minister of Industries has started a new plan of educating people; a band of 28 persons goes about and educates people by demonstration through cinemas, lantern lectures and the like. Unless we see things for ourselves and see the experiment we cannot give an opinion. But at least I can say he has found some for this, and to this extent I congratulate him. As a matter of fact, if this money had not gone in this direction, it would have gone to the Police Department, but so far he has succeeded in getting one lakh of rupees for his department, and he deserves our congratulations.

(Here the member reached his time-limit and resumed his seat.)

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, the discussion on the annual budget was a matter of paramount importance to a country, but unfortunately here it takes the form of an academic discussion. Yesterday I intended to speak something but the empty benches all around me had a chilling effect on me, and I, therefore, did not rise to speak although I could get hold of the opportunity to do so at the last moment. But even to-day's atmosphere is no better. I should, however, like to take this opportunity of congratulating the Hon'ble the Finance Member for his clear exposition of the financial position of the province, and the part played by him and the Government for pressing the rightful claims of Bengal to the revenues from jute and income-tax. But at the same time I must confess that the budget as a whole is a most disappointing and a most distressing document. It smacks of originality and is devoid of any forward policy for the material and moral advancement of the nation.

It may be argued how any forward policy is possible in a deficit budget amounting to about two crores of rupees? Had there been the requisite courage, imagination and determination, the budget would have taken a different turn.

The picture of the financial position of the province as depicted by the Finance Member is most distressing. The depression in trade and commerce is world-wide for the last three years, and none can foresee the future. The staple primary products in Bengal are jute and rice. The prices of both these products have come down to such a low figure that it cannot cover even the cost of cultivation. This has clearly reflected itself on the provincial revenues. The purchasing power of the people has consequently diminished beyond comprehension. The main heads of revenue in Bengal are not elastic. There is little chance

of expansion under the head "Land revenue", "Excise", and "Stamp duties." The revenue cannot expand unless people can afford to spend money over them. All revenues are interconnected, and are dependent on the source of supply which has almost emptied out. The deficit of two crores year after year for running the administration of the province will ultimately lead to bankruptcy. The horizon is thick with dark clouds—the only silver lining discernible through the dismal gloom is the hope of better financial settlement in the future by the proposed allocation of the revenue from jute to Bengal.

Sir, within the last ten years, Bengal has witnessed the fuss of the appointment of two Retrenchment Committees. The first Committee was presided over by no less a person than Sir Rajendra Nath Mookerjee—that report has been allowed to rot in the dusty shelves of the Secretariat. The recent Swan Committee consisted of three of the sanest and safest of men of Bengal. But, Sir, its recommendations, I am afraid, will meet with no better fate. The scant courtesy shown to its recommendations on serious problems justify my apprehensions. . . . . .

(The Council adjourned for ten minutes for prayer.)

(After adjournment.)

6-30 p.m.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I think there is no quorum.

Mr. PRESIDENT: There has been unfortunately a distinct paucity of budget oration this year. Dearth of speakers compelled me to adjourn the Council much earlier last night, and now there is no quorum present in the House! What does it mean? Is it inertia or placid contentment? The Hon'ble Mr. Woodhead would perhaps have us believe that the latter is the case. (Laughter!) Be it so or not, I have no other alternative but to adjourn the Council.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 13th March, 1933, at the Council House, Calcutta.

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